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ELY ENERGY CENTER HEARING

January 09, 2008

6:00 PM in Ely, Nevada

Dante Pistone: A few ground rules, we want to hear from as many of you as possible, it looks like we have about 40 cards up here. So were going to try to limit the time to 3 minutes per person, roughly, so everyone can get a chance to comment. Thank you.

We need your cooperation though to do that, so we'd like to, we'd like to keep the comments to three minutes. If you represent a group a if, if you could have one spokesperson represent the group or two, you know, if you have different aspects of the a of the issue that you'd like to discuss. That would be preferable then were not so were not getting repetitive comments about the same thing. What we don't want this to become is a town meeting to argue over the pros and cons of the plant that are non air quality related. We don't want it to become a forum for the debate about coal fired powered plants in general, we're just talking about one plant in particular, and we don't want it to become a forum to debate global warming. We're not going to solve the issue of global warming here in Ely tonight. We recognize, though, that people have strong feelings about various aspects of the issues surrounding this proposed plant. So we'd like to ask you to do some additional things, one, let's be civil and let's take, be courteous to the speakers; let's take everyone's feelings into consideration. You know, no cat calls. Everybody has their right to their opinion, so let's not have any interruption, intimidation, shouting, screaming, during people's comments.

As I said, we've asked everyone to fill out a speaker card, so we have your name and contact information on the card, and we will take that back with us and your comments will, as I said, be part of the formal hearing record. We're trying to avoid repeat comments if we can at all possible do it, we don't want to be here till midnight. So if you've already heard your comments, or something similar to your comment, we'd appreciate it if you maybe just submit your comment in writing which you can certainly do. On the, the information is all on NDEP's website. All the documents that we've released and accumulated, with regard to our evaluation are on our website it's www.ndep.nv.gov, and you'll hear that again several times. Let's see, you can submit your comments in writing.

At this point I'd like to introduce our distinguished panel up here, it's not really a panel, this is NDEP's representatives who were very involved in this extensive evaluation and are here to answer peoples questions and hear your comments in person and, you know as I said it's a public meeting so were gonna , were gonna accept comments from, from everyone who wants to make a comment, we'd just like you to keep it focused on the subject, and that is, whether this plant meets all current state and federal air quality standards, this proposed plant will meet all of those standards. And that was our job in evaluating the proposal, and I'd like to turn it over now to

Matt DeBurle who's our permitting supervisor, Greg Remer who is the Bureau Chief for our Bureau of Air Pollution Control and sorry,

Francisco Vega: Francisco Vega

Dante Pistone: I apologize Francisco, permitting supervisor. Francisco's gonna make the overview presentation about our technical evaluation. Once again we welcome you, we welcome your comments, and let's please have a nice open discussion.

Francisco Vega: Alright, as Mr. Pistone said were here to discuss the public hearing for the proposed operating permit.

Audience: We cannot hear you.

Greg Remer: I think you've gotta talk closer to the microphone.

Francisco Vega: alright, can you hear me now?

Audience: Yep.

Francisco Vega: As Mr. Pistone said, we are here to discuss the proposed operating permit for Sierra Pacific Resource Company, Ely Energy Center. One thing I'd like to say right now is if you could hold all comments and questions till after the presentation, I'd really appreciate that, thank you. Once again, my name is Francisco Vega, permitting supervisor for the Nevada Division of Environmental Protection, Bureau of Air Pollution Control. This is kind of an outline of what I want to discuss here tonight. Proposed project location, the proposed project itself; air emissions; the air quality evaluation; quality analysis, modeling analysis, sorry, applicable air quality regulations; the draft permit and later, receive comments.

The proposed location is approximately 2,600 acres, which will consist of the power plant site, the location is in the Steptoe Valley, which is in White Pine County, and more specifically it is in Sections 16,17,20 and 21; Township 19 north; Range 64 east, which is approximately 30 miles north of Ely, 18 miles north of McGill.

The project will consist of two nominal 750 megawatt, super critical pulverized coal boilers. Each boiler will be equipped with low NOx burners, selective catalytic reduction, activated carbon injection system, wet scrubbers and fabric filters. The primary fuel supply will be western subbituminous coal. The project will also consist of coal handling, coal unloading, handling and storage systems, auxiliary boilers, and other miscellaneous air emissions sources including storage units, fuel storage generators roads, etcetera.

Now I'm going to discuss some of the regulations behind the project. Prevention of Significant Deterioration. PSD is a program established by the clean air act to prevent an area from becoming a non attainment area through proper air resource management. Now, basically what that means is, PSD is a program whose goal is to keep clean air clean. That's pretty much the basis of it. Part of PSD is what's called BACT analysis or the best available control technology

analysis, and BACT by definition is the determination of the most effective control device and emission limitation. Basically what BACT is required to do is make certain that controlled, or, make certain that best control is being used to ensure that the clean air stays clean. That's pretty much the premise behind the BACT analysis.

Next thing is the air quality analysis. Now the air quality analysis has two parts, the ambient analysis and also the increment analysis. And basically what that means is that it's a demonstration to ensure the clean air remains clean based on the emission limits and control technology determined through the BACT analysis. Here are some of the, well here's actually all the PSD pollutants along with their potential to emit as well as the emission limit, which is in the permit. And also the control technology, the BACT control technology for all the pollutants. One quick note on these emission limits here, these emission limits right here, these BACT limits here are as low if not lower than any other coal fire power plant in the nation.

The next section is the air quality evaluation. The ambient air quality analysis is independently evaluated by us, NDEP/BAPC. Now there's three sections, the NAAQS evaluation, Class 2 areas, PSD permit standards, and also Class 1 areas, PSD permits and air quality related values. The analysis uses EPA approved models and methods. Here's a summary of the Nevada and National air, Ambient Air Quality Standards. Here you can see the plumes, the averaging periods which were analyzed. The highest concentration, which was demonstrated, a background concentration, which was monitored on site at the project location. Then we see the total concentration, and then the next column we see the standards. In the final column there we see the percent of the standard that the total concentration represents.

The next discussion is the Class 2 areas. One point I want to make is that PSD increment standards are more restrictive than the NAAQS, which we've just seen. All Ely Energy sources are modeled, and Ely Energy sources include boilers; coal piles; generators; storage units; storage units including coal, coal silos; limestone silos; carbon silos; rail emissions; vehicle emissions; fugitive dust and etcetera. From there on, Ely Energy sources are then added to other sources within the evaluation area to determine compliance for that area. Now when we say all other sources, this includes the White Pine Energy Associates, LS Power power plant, sand and gravel operations, concrete batch plants and really any other permitted source within the evaluation area. Also included in the Class 2 analysis is the Great Basin National Park, and Ruby Lake National Wildlife Refuge are both class 2 areas.

This slide shows the results of that analysis. Once again you see the plumes, the averaging period, the highest concentration modeled. The PSD increment and we can see here is that they are in fact are lower than the National Ambient Air Quality Standards, and then once again, the percent of the standard. And this time what I'd like to say is the Class 2 increment models results indicate that the Ely Energy Center will comply with all Class 2 increment standards.

Here's some of the, contour plots which are pretty much a graphical representation of the slides we've just seen. Here's the nitrogen oxide annual concentration and the max for this was $5.2 \mu\text{g}/\text{m}^3$ and the standard is $25 \mu\text{g}/\text{m}^3$. This next slide is a similar slide for, this one is for sulfur dioxide, it is, once again, the annual averaging period and the maximum for this is $6.9 \mu\text{g}/\text{m}^3$ and the standard is $20 \mu\text{g}/\text{m}^3$.

This next slide of the contour plots is for particulate matter, for PM_{10} . Once again it's an annual average, and the maximum here was $9.4 \mu\text{g}/\text{m}^3$, and the standard is $17 \mu\text{g}/\text{m}^3$.

Alright, the final part of the analysis is a Class 1 area analysis. Class 1 areas include, Jarbidge Wilderness Area, Zion National Park. And you can see those on this graph here, Jarbidge is up here, and Zion National Park is down here. And this, I'm not sure if you guys can see that from back there, but this last ring here is 300 kilometers from the project site. And, also, as you can see, it includes a section of Utah. Now the Class 1 area analysis evaluated by the applicant, reviewed by the federal land management and is included as part of the Class 1 Operating Permit to Construct application. Once again results show that all concentrations are below applicable standards.

Now, basically what I've just shown you is that everything that, on those slides I've just shown you, must be completed before a permit can even be considered. And so all this, the analysis, and the BACT analysis, the PSD analysis, all that must be considered before we will even consider a permit.

And some of the standards that are in permits, we review state and federal regulations for project applicability. All federal and state applicable regulations are written into the air quality permit to construct as conditions that must be met. Some of these are Nevada Revised Statutes, Nevada Administrative Code, the Applicable State Implementation Plan; those are all part of the operating permit to construct. There are also federal standards that, which must be, which must be written into the permit in the Code of Federal Regulations. The Code of Federal Regulations, they include New Source Performance Standards; the Clean Air Mercury Rule; once again the Prevention of Significant Deterioration regulations; and NESHAPS which stands for National Emission Standards for Hazardous Air Pollutants.

Alright, next subject is mercury control we understand this is a hot topic so we want to discuss about it. One thing we want to make clear is that mercury is not a PSD pollutant at this time. The Ely Energy Center will be equipped with activated carbon injection control technology. Previously, the federal standard was 97×10^{-6} pounds per megawatt hour. And the Ely Energy Center emission limit is 20×10^{-6} pounds per megawatt hour; almost 20 percent of the federal standard. And under the Clean Air Mercury Rule in Nevada, this qualifies as a Low Emitting Unit.

Some more about the operating permit to construct. The permit to construct allows for the construction of initial operation of a new facility. The permit will include all these subjects here: control technology; emission units; operational limits; stack testing requirements; monitoring and recordkeeping; all those will be represented in the permit. Some of the monitoring, which will be in the Ely Energy Center, will be Continuous Emissions Monitoring Systems for nitrogen oxides, sulfur dioxide, mercury, carbon monoxide and also a continuous opacity monitor. Also on the particulate controls there will be bag leak detection for all the fabric filters.

Alright, carbon dioxide and green house gas. NDEP recognizes that carbon dioxide is a great concern to everybody. NDEP is actively engaged in the issue both at a regional and national

level. One thing we want to make sure that everything is clear, is that, at this time carbon dioxide is not a regulated air pollutant. We are actively engaged in recent Supreme Court cases, Governor's task force, which is reviewing all the options of ways to do climate change and also involved in Congressional and EPA action.

Conclusions; Based on the information provided, and NDEP's review, the proposed Ely Energy Center will meet all applicable standards for state and federal air quality standards. Next, you know, what happens next in the process, we will receive comments tonight, we will receive written comments through the business, close of business day on January 23rd, at which time will evaluate all comments and then we will take final action on the application, and then we will go through the appeal process.

Here's our website which will provide information on the Ely Energy Center and you can find any of the documents required at that web site and, as well, our email addresses. Thank you very much.

Audience unknown: A question for you, who did the modeling?

Francisco Vega: Just a second. (Greg) How do we want to do this? (Dante) Well, let's get together so we can pass the microphone. (Greg) Okay,

Dante Pistone: What we'd like to do if you have question or comment, to come forward, that way it's not a free for all. Did you submit a card?

Audience unknown: Yes,

Dante Pistone: Okay

Audience unknown: This is just a question on your presentation.

Dante Pistone: Alright,

Audience: The question was who did the modeling on all these pollutants?

Greg Remer: Before, you go away, I'm not sure anybody heard you in the back.

Audience unknown: Oh, sorry. The question is who did the modeling on all the pollutants?

Greg Remer: Did you all hear that question?

Audience unknown: No,

Greg Remer: Okay, his question was, who did the modeling on all the pollutants that we've identified here. By regulation, both federal and state, the applicant is required to provide the analysis to the agency, to us, we then review that extensively; we make them correct any errors

in that until were satisfied that it's accurate and complete, and then we move forward with the next stage of the permitting process.

Audience unknown: My question is, what is the approximate time frame, life cycle, how long will the plant operate even if you can only estimate. How long would you anticipate this plant, if permitted, to operate? What is its lifetime?

Greg Remer: Well that's not normally the scope of our, of our process; we are, we are concerned with the initial permitting and the ongoing maintenance of the limitations in those permits by the plant. As far as lifespan, and, you know, how long they are expected to operate, the company could probably answer that directly for you. It's also usually a matter of record as, as to the PUC when they propose and the PUC approves in the resource plan a project. Maybe I could get you... 30 years? 30 years, is the expected lifespan..

Could you come forward please? Again, we're just taking questions about the presentation right now we'll have an opportunity for specific comments when we use the comment cards.

Yes, please state your name when you're speaking in the microphone.

Terry Marasco: I didn't see in the document I'm curious to know if there's, if the applicant exceeds any of these emissions, what happens? How is the turn off switch governed? What are the penalties for exceeding any of the emissions stated?

Greg Remer: Did that come through the house microphone? Okay, the question was let's see if I can get it right, how do we ensure compliance, basically? Is, is your question.

Terry Marasco: And what happens if they exceed emissions?

Greg Remer: And what happens if the limits in the permit are exceeded? We have an extensive compliance program in our office, as Francisco mentioned in the slide, let's go back a couple slides here, do you have the specifics of the testing and stuff like that? Do we have a slide for that? Well generally speaking, these plants are required to have extensive pollution monitoring in their stacks. In addition to that, and I'll go through that briefly here shortly, in addition to that they're also required, by permit condition, to monitor the ambient air in much the same way they did before the project started, they monitored the background concentration. Those monitors are then required to be continued to be operated when the plant begins operation and forward.

So we have two basic checks there. So we have monitoring of the stack and monitoring of the ambient air. Regarding monitoring of the stack, they have, they are required to install monitors in stack for NOx, nitrogen oxides, CO, SO2, Mercury, PM10, through the use of an opacity meter. There's, you know, if there's any sort of visible emission coming out of the stack the opacity meter will monitor that and PM10 is particulate matter 10 microns or less. So, there's those specific monitors, and on top of that they are required to archive that data, report to us as well to federal EPA for other specific program like any federally mandated program that monitors the emissions. NSPS is one of them, New Source Performance Standards. And then on top of that we do routine inspections, compliance inspections. To not only review that data and make sure

that the records they submit to us are the same, but we also review the operation of the plant generally and, and ensure that they, they're maintaining their maintenance procedures, to make sure the plant doesn't have too many stops and shutdowns and so there's a thorough compliance process that the plant will undergo.

Terry Marasco: What happens?

Greg Remer: There's a monitoring process I guess is what I would like to say.

Terry Marasco: Correct. What happens when they, when they exceed? Sorry, what happens when they exceed? What is the regulation?

Greg Remer: That's right, that was part of your question. If they exceed a limitation, as part of our activities, we will issue notices of violation. Those notices of violation will identify what the problem was, identify corrective actions, or make them identify what they're going to do to correct the problem so it doesn't happen again. And then we will take other enforcement action to exact penalties within our, our legal authority. The State of Nevada has the authority to penalize up to \$10,000 dollars per day, per violation, as it, as it occurs. And then on top of that, if the federal government doesn't think we're doing a good enough job penalizing a company, they can do what's called an over file and also seek penalties on top of ours.

Jim Westwater:: In the future, if pollutant standards, or emission standards are tightened, and the plant is forced to comply with those new, tighter standards or if let's say congress enacts a carbon tax or something like this, who will be required to pay those additional expenses? Will it be the company or will it be the rate payers or someone else?

Greg Remer: Could you state your name please?

Jim Westwater: Jim Westwater

Greg Remer: Thank you Jim, that's a good question, one we may not be able to answer because it's outside the scope of our agency. The PUCN is the authority over the rate setting of public utilities, so any costs that are borne by the company that the company would like to pass on to the rate payer would have to go through a public process, through the PUCN, through the Public Utilities Commission of Nevada. Penalties that are assessed are generally not recoverable through a rate process, to my understanding, so the company bears those costs. Does that answer the question?

Jim Westwater: Yes.

Dante Pistone: I just have one follow up comment to that. Let's say the green house gas emissions do become regulated at the state level, federal level, this plant and all other plants in Nevada and, you know, if it's a Nevada regulation will have to comply with those regulations, so. But the permit would have to be revised to set those standards, set those controls, and those would be implemented immediately.

Jim Westwater: So those costs may or may not be passed on to the rate payers depending upon what the utility commission decides?

Greg Remer: It depends up on the circumstance and whether or not they seek a recovery cost, a cost recovery before the PUCN

Jim Westwater: So if the generation of power by means of burning coal becomes much more expensive than it currently is, those costs would most likely be passed on to the rate payers, correct?

Greg Remer: Well again, that's just supposition on my part, but the company would probably be able to answer that question directly or the PUCN. Again, we're an environmental regulatory agency not a, an agency that governs the use of the power plant and how, how it interacts with the rate, rate payer system.

Lionel Hastings: My name is Lionel Hastings and I'd like to quote one sentence out of this book that is in conflict with what you just stated. It says, few utilities, few utilities can afford to upgrade older still functioning generators and in 2002, President George W. Bush, by executive order, allowed utilities to make significant changes in existing facilities without having to adopt mandated new emissions targets. And this is from The State of the Earth by Paul K. Konklin (sp) who's a distinguished professor emeritus of history at Vanderbilt University, which is rated 19 in the country by US News and World Report's survey of college quality of university quality, thank you.

Greg Remer: Thank you

Dante Pistone: If you have a question, now this is the time for questions, comments need to be submitted with the card.

John Chachas: Thank you Mr. Chairman, my name is John Chachas. I'm chairman of the Steptoe Valley Energy Advocate Committee. I would like you to review the standards again and clarify that the modeling that was done shows just how far below the standards this plant came in with your study.

Dante Pistone: First of all we're gonna, were gonna put this presentation on our website so you can go back and look at it in depth, it probably won't be on until Friday now because they have tomorrow to drive back and we'll get it on by Friday, but...

John Chachas: I just wanted clarification though

Dante Pistone: No, no, no, we can do that but in case anybody else wants to see portions of it, it'll will be on our website.

John Chachas: Thank you.

Greg Remer: Just to answer your question, as the table shows, the plant will not exceed any applicable federal or state standard for the ambient air.

Eldora Johnson: Eldora Johnson, White Pine County resident. As this plant goes, would EPA have the ability if there were severe violations to any of this, to come in and shut that plant down? Would you have that power to shut it down?

Greg Remer: Yes, we have the statutory authority to shut an air quality source down if it violates its, its permit conditions frequently or egregiously, in a manner that, that you know, will not be protective of health and welfare of the citizens.

Eldora Johnson: Do we have that safety monitor in there that you have the opportunity to shut that down and stop production of anything?

Greg Remer: We do.

Eldora Johnson: Thank you.

Francisco Vega: What was your name, I'm sorry,

Eldora Johnson: Eldora Johnson.

Francisco Vega: Thank you.

Neil Frakes: My name is Neil Frakes, Ely, Nevada. I have a couple questions about your ambient analysis. First off, I'm wondering if natural sources of air pollution, such as, from wild fires, dust storms, things like that are those included in the analysis, and especially considering that just given how much fuel build up we have here, we are likely to have more frequent and larger fires here in the future? And my second question is; is there's another power plant that is proposed for Steptoe Valley, and I'm wondering if emissions from that plant are also included in this analysis?

Greg Remer: The general answer to all that is yes. I'll take it individually here briefly. As you can see from this table I'll just focus on nitrogen oxide here, at the top, what we have here in this, in this column, is the cumulative impact, due to the Ely Energy Center and all other nearby sources that affect the area. That would include the LS Power Plant, as Francisco mentioned during his presentation. So any permitted source that we have information about goes into this analysis, including those sources which we did mention during the presentation, and including those sources in neighboring states, there are sources from Utah that are included in this process and factored in. Added to the concentration, here 5.2 ($\mu\text{g}/\text{m}^3$) for nitrogen dioxide, is the background concentration that's monitored, at the plant site, by the applicant. That's done for a year in advance of this project, prior to our taking our action on it. You can see here from this table that there's a 3.7 microgram background concentration. The standard is over here on this second to last column is one hundred. The total of the, the predicted impact due to modeling analysis, background information, generates a 8.9 microgram total impact. To answer the other part of your question is, are other natural sources or other things that aren't permitted factored

into this? The answer is yes, because the background concentration would include all those other sources that are not specifically modeled.

Kevin Cummins: I've got a specific question on the ozone number there,.

Greg Remer: Could you state your name please?

Kevin Cummins: Kevin Cummins

Greg Remer: Talk right into the microphone.

Kevin Cummins: I note that it says your model suggests that you're roughly 96 percent of the standard. Is there statistical error that would suggest that that's an accurate or are in fact are you accurate enough that you're not sure that you wouldn't exceed the standard in that case?

Greg Remer: Are you talking about ozone?

Kevin Cummins: Yea, because it's awfully close, I don't know what your air limits are, but

Greg Remer: You'll notice that the thing to look at here is, is what the plant's contribution is; the background concentration has existed for, you know, long prior to this plant and it's 167 ($\mu\text{g}/\text{m}^3$), that's what was monitored. What were trying to show you is that the concentration, which includes all of the other sources that are included on top of the Ely Energy Center, results in a relatively small portion of the background. So when you add these two together it is rather close, but it is less, and, to answer the other part of the question is the models are generally expected to over-predict the concentration, so were pretty comfortable that this is a maximum number and will not be exceeded.

Kevin Cummins: And how, how often would you expect this to be exceeded?

Greg Remer: We don't expect it to be exceeded.

Kevin Cummins: You're that certain of your numbers huh? Okay.

Greg Remer: The expectation is that the permit limits that, that the company will operate to are not to exceed limits, if the company exceeds them then you know we take appropriate action to generate compliance with those numbers. Generally, because these plants operate for years without very many compliance issues, the bulk of the time that the plant operates, it will be operating less than its limits. Since those limits are maximums, they generally operate actually at levels less than, or far less than that in, in some cases, we expect there to be a lot of room in there still.

Dante Pistone: Do you want to address why the background level is the way it is, or, it's hard to explain, I know.

Kevin Cummins: Well I don't care about that, but so they'll be held to keeping under this 57 number because they have no control over the background.

Greg Remer: They have no control over the background.

Kevin Cummins: So, are they gonna be, are they gonna be accountable to the 57 number?

Greg Remer: They're accountable. What, the way it works is, the emissions that they propose, and have gone through the analysis to demonstrate that they're the lowest emissions that they can achieve, are then put into the permit. We monitor those emissions. In this case we would monitor VOC as a surrogate for ozone because ozone is a transient pollutant. I'm sorry, volatile organic compounds. Sorry about that. So we would, we would monitor and have them test for, they have limits for, for volatile organic compounds in their permit, and the idea is as long as they stay below those limits, in the permit, and those maximum limits are modeled, and this is the result of the concentration, everything is fine. What happens, then is the ambient monitors will then pick up whether or not the total that we expected is ever exceeded.

Kevin Cummins: So you don't in fact measure ozone directly, you actually measure VOC's?

Greg Remer: That's the problem with ozone; ozone is a photochemically reactive pollutant. It's formed dynamically in the air in the presence of sun. Certain constituents generate it, organic compounds are one, in the presence of nitrogen oxides, and some other things, and then it reacts in the presence of sun light. So it's, it's formed dynamically in the air. It's not measurable in the stack. The organic compounds that are emitted are measurable and that's what we hope to do.

Kevin Cummins: And there going to be held to this roughly this number of 57.

Greg Remer: They'll be held to the emission limitation for the volatile organic compounds in their permit. As long as they maintain that, that limitation the, the numbers that generate from that, through the modeling, through the modeling efforts demonstrate that this will be the impact through the formation in, in the ambient air. It's a complex modeling process that goes to generate that. The VOC's are the only thing that we have a specific handle on in the stack at the source.

Linda Johnson: I'm a little concerned about that, what you've just said, because the ambient number is high, and because ozone is a by product of global warming in some rather complicated way. Your going to get over a hundred percent standard very easily if you are allowing yourselves to permit an activity that is 25 percent of the standard amount where you're, you really don't have any lee way if the, if the background goes up, your gonna in trouble here I think. And I think that you got to take that into consideration somewhere.

Dante Pistone: Can you speak your name please?

Linda Johnson: Oh I'm sorry, Linda Johnson. Can you hear me enough?

Greg Remer: I'm not sure if the mic picked it up. Thank you.

Ed Firmage: I'm wondering if you could speak to this issue. Coming from an area where ambient background air quality is highly variable. And that's true of a lot of places here in the Great Basin where air can be trapped and pollution can be trapped. When your background concentration numbers were taken, you could have a very clear day in an area giving you a very rosy looking picture of background concentration that is not typical, necessarily, of conditions all the time or most of the time, which makes this kind of analysis academic or even misleading. Can you tell us when these background numbers were taken, do they represent an average taken over 365 days, or can they just go out on any clear day and take them? What, what leads to those numbers?

Greg Remer: Well as I said at the outset when I was talking about the types of monitoring that we do for this type of source, and for this source specifically, they, prior to the complete evaluation of, of their application, the applicant is required to monitor the, the background, the ambient air, at the plant site. One of the monitors that they put in was an ozone monitor,

Ed Firmage: I'm not speaking just of ozone, I'm speaking generally.

Greg Remer: Okay. They have background monitoring that they, that they obtain, at the plant site. Since we were focused on ozone, I just mentioned ozone. The ozone, or any other background monitoring process that they have there, was operating for a year, 12 months. So there's a pretty long term record of, of their ability from day to day over a 12 month period. The actual time frame that the monitoring occurred was, do you happen to recall that?

Matthew DeBurle: Roughly, September '06 to September of '07, and they actually ran the monitors through December '07.

Greg Remer: September of '06 to September of '07 was the actual monitoring period that took place. Does that seem right?

Ed Firmage: Is that for 24-7 all the way through?

Greg Remer: Yes.

Ed Firmage: Everyday, 24-7?

Greg Remer: Except for PM10 sampling, the PM10 sampling is, is it continuous? Or is it, I think it was a continuous monitoring system for PM, so yes, all of them were 24 hours a day, 7 days a week all the way through the 12 month period.

Ed Firmage: This is a, an average then, of that entire period or is it some manipulated part of a year long metering process?

Greg Remer: You know what, let me, we'll, we'll get back to that, and, and I'm not certain of the answer right off the top, we don't have all the information right in front of us, we'll, we'll

look it up if we can tonight, and if we can't find it tonight we'll go back and we'll take that as a...

Ed Firmage: I think it would be much more informative in this kind of analysis, you know an average is fine, but it can also be very misleading, we should have a range of value for each of these numbers, so that we can see, and more interesting still would be a range of numbers and the relative percentage of the time that it's in one part of the range versus another. Looking at this it's impossible to tell whether that represents the best case or an average or maybe a worse case, I very much doubt the latter.

Matthew DeBurle: Could you state your name sir, please?

Ed Firmage: Ed Firmage.

Susan Potts: My name is Susan Potts and I understand that you need to base your decisions on the regulations, the applicable laws, but, I also know that the Nevada Division of Environmental Protection has a mission statement and I wondered if you could share that mission statement with us and tell us how that plays into your decision making.

Greg Remer: Well I'll do my best it's rather long but I'll try to distill it down into the core of it. Generally, the mission statement is to protect the public health and welfare, while allowing for sustainable economical growth within the State of Nevada.

Susan Potts: And I believe it also says preserve and enhance the environment of the State of Nevada in order to protect public health, sustain a healthy environment and the economic issue also. And how does that play into your decision making as opposed to just what the state laws are?

Greg Remer: The state law, as it said, it set forth that over all goal. Then it went through and set forth certain provisions, which set the box if you will, the area within which the Division of Environmental Protection and specifically the Bureau of Air Pollution Control, can operate. It then gave broad authority to the State Environmental Commission to adopt regulations as to how specifically to implement those procedures that were set up in the law. Those procedures are what we follow, those, those actionable items, not the least of which is the verification that a plant, before it's built mind you, this is in advance of it even being turned on, we do our best to gauge, and, and it's a worst case assessment because we don't have any actual emissions. And the company, likewise is in a similar boat in that they, they have to gauge what their maximums will be and that's what they permit, they expect to operate less than that. So, the idea here is we have certain standards to limitations that a company is incumbent to comply to, and we evaluate that before construction and operation of the plant to ensure that they will maintain compliance and then we follow that up once it's operating with a rigorous compliance program, to ensure compliance with those, with those permit limitations.

Ernest Flangas: My name is Ernest Flangas from Ely Nevada. And prior to making any more statements or accepting any more questions, each person that comes up here, please, for the record, state your name and your location, where you're from, thank you.

Ivan White: My name is Ivan White. I live in Price Utah, down wind of this project. I wanted to ask some questions, I'm an air pollution meteorologist, about the release itself, how tall is the stack on this plant?

Francisco Vega: 727 feet.

Ivan White: 727 feet, wow, that's way up there. Where's the maximum at for, you want to go back to the other, the other slide? Okay, no, no, this one right here. That one there okay, where's the maximum concentration at for the annual calculation, what's the distance?

Greg Remer: For Nitrogen Oxide, let's say?

Ivan White: Well it doesn't matter, it's the same for everything, every place that says annual you use the same meteorology and the same stack heights, so, the maximums going to end up being at the same place, so where's the maximum for the annual?

Greg Remer: The maximum is relatively nearby the source. You can see it in this graphic right here,

Ivan White: Yeah,

Greg Remer: You've got Ely Energy Center box, if you will, which represents the facility area

Ivan White: Yeah,

Greg Remer: And you got the concentration, I'll use the technical term here, isopleths, that identifies the area that encompasses that

Ivan White: Oh, that, that purple thing, is the isopleths? For the, for the, that's interesting, annually, the

Greg Remer: For the nitrogen oxide impacts.

Ivan White: Yeah, but, normally the wind in this area is from the, the west and in annual

Greg Remer: Actually it's very channeled north and south.

Ivan White: Oh because, you're in the, is it channeled in the valley?

Greg Remer: The Steptoe Valley is a very north-south-centric valley, and it has very dominant north-south wind profiles.

Ivan White: And how about the others, the two hour the, all the others?

Greg Remer: Well, we don't have all those other graphics here. They're in the reports and all the information that's on the website, and we've just included a couple as an example. What I'd like to do, though, is generally respond to I think where you're going here, which is the extent, the largest extent of what we call the significant impact, which is an impact that is very low, below which the federal EPA generally says there is no impact from the source.

Ivan White: Right

Greg Remer: The furthest extent that this plant generates a significant impact is about 8 miles, which is 12.7 kilometers.

Ivan White: For which condition? Annual, 2 hour, weekly or what?

Greg Remer: I believe it was an annual impact, which are usually the most distant range impacts

Ivan White: I see,

Greg Remer: The shorter the actual period the closer in the impact usually is.

Ivan White: How high are the, what's the highest elevation in the valley?

Greg Remer: I don't have that information off the top of my head, maybe some locals might know exactly what that is, but, I'm sure it's in the seven or eight thousand foot, maybe nine thousand, ten thousand foot range.

Ivan White: Oh, above the valley floor?

Greg Remer: Oh you bet, yeah,

Audience: Over 10 thousand.

Greg Remer: Yeah

Ivan White: What's the valley floor at?

Greg Remer: The valley floor?

Ivan White: Yeah.

Greg Remer: About 6,000, 6,200 feet.

Ivan White: So, the okay, so the distance above the stack would be four thousand feet then.

Greg Remer: To the most, to the highest peak areas. One of the things I'd like to point out is in the analysis, you can't see it very well right here, but you'll notice there's some topographic relief to the west and to the east of the area, those are the mountain ranges basically,

Ivan White: I see,

Greg Remer: That forms Steptoe Valley. And those, all that information is put into the model, and the meteorological information that was also monitored on site accounts for that total graphic relief in the impacts.

Ivan White: I see

Greg Remer: That's why you get the impacts that you see here which are generally north south related.

Ivan White: Okay, when you check the company's results, do you use the same computer model and the same parameters in that? Or how do you do that? Do you do it independently? Or do you do it with the ah,

Greg Remer: We do an independent assessment, we double check all their information, we run some check models to ensure we are getting the same numbers, and

Ivan White: And all of those so, so you don't put in their numbers into, I assume, using an EPA approved model?

Greg Remer: Yes we are, we use only EPA approved models

Ivan White: Okay, well, the other thing that's really important for Utah is the mercury, because Utah already has the problem with fish and the ducks as far as that's concerned. And we know that in the northeast there are lakes where children cannot eat fish out of the, out of the lake. And so Utah is very concerned about that food chain and as near as I know, you haven't done any food chain calculations for any down wind to this plant, or at the other plants for that matter.

Greg Remer: Well, the thing to understand about mercury, and we had that slide, laying around here, oh there it is, got it, thank you. When we say here, right on the outset, it's not a pollutant that is subject to the PSD regulations, which this project and this analysis has gone through. Mercury is a pollutant, it is generally considered to be a hazardous air pollutant. For power plants the federal EPA set up a process called CAMR, which is the Clean Air Mercury Rule. The State of Nevada has responded by developing CAMR regulations. This plant is subject to those rules and regulations and there are no ambient standards to compare to, for mercury,

Dante Pistone: But ours are more stringent.

Greg Remer: However, that being said, you can see from an emission potential perspective the federal regulations only require a 97×10^{-6} pound per megawatt hour. There are roughly four

and a half or five times less than that standard, by permit limitation, which will be monitored and checked, on a continuous basis.

Ivan White: Yeah, well I understand that, the only problem with the EPA situation is the food chain pathway because it's, it's beginning to be a real problem as far as the, and it's been a problem in the northeast for quite awhile, and they are already detecting mercury in Utah in the fish and in the ducks. So, to me, it, you know, it appears that you really need a risk analysis based on the food chain, you know, not on, not on a standard that doesn't really take account of the, of that type of thing.

Dante Pistone: Well we're just looking at this power plant and what it emits and, in fact Nevada standards, Nevada CAMR is more astringent than federal standards, so...

Ivan White: Yeah, but, as I said, did you base yours on the food chain calculation?

Dante Pistone: I don't know of any, has any state, done, food chain...

Ivan White: Actually, yeah, there's lot's of data.

Dante Pistone: Okay, anyway, we need move on...we have forty cards here, if we get three minutes per card, it's gonna be way past our adjournment time.

Jed Peeler: Well, I'd like to give it a real quick one here though, I've noticed that most of the people

Greg Remer: Can you speak your name please?

Jed Peeler: My name is Jed Peeler. I'm a regional planning commissioner here in White Pine County and a chemist for 35 years. So, what I'm hearing here is a lot of people who don't seem to have specific knowledge about what they're talking about when it comes to these standards. What they need to do is to do their homework before they come here and complain, and drag on these conversations. They need to read pollution magazine, pollution engineering magazine, chemical engineering magazine, scientific computing which we do a lot of this modeling you've been talking about. And they also need, if they need more information about how the plant was built, they need to look up ANSI standards, ISO standards, which are international, and ISA, which is the automation standards for this plant. To have people to come up here and complain without knowing what they are talking about, wastes our time!

Dante Pistone: As I mentioned at the onset, let's, let's keep the conversation civil, be civil. Everybody will get a chance to speak. There are very high emotions, as I said, on this issue, we do need to get to the, to the comment, if you've turned in a card you can ask your question, ask your question during your time at the podium for the card, so

Greg Remer: Do you have any more questions?

Dante Pistone: If we don't have any more questions that haven't been addressed already, I'd like to get to the comments so we can get out of here at a reasonable hour. Okay? Thank you. The first person is Paul, is it Deprey, National Parks Service?

Paul Deprey: Good evening, my name is Paul Deprey, I'm acting superintendent at Great Basin National Park

Dante Pistone: That mic's not working,

Paul Deprey: As a representative of the National Park Service, I'll keep my oral comments pertinent to Great Basin National Park and its resources. I'd like to thank you for the opportunity to provide you with information on the proposed Ely Energy Center. The National Park Service is submitting written comments outlining our analysis of the proposed project and what we view as negative impacts of park values. Great Basin National Park was established by congress over 20 years ago with strong support and leadership of Nevadans. In order to preserve and protect this stunningly beautiful part of the national, the nation's natural heritage, and congress identified scenic values in and around the park as a primary resource value. This emphasis is very much in line with Nevada Revised Statutes that identify preservation of visibility and scenic values as public policy for the state of Nevada. These and other values are at risk with a proposed particulate and pollution levels in the permit under consideration. Instead of delineate each concern, let me summarize by saying the Park Service has identified probable visibility impacts to view sheds and dark night skies as well as the deposition and ozone damage to plants, lakes and streams within the park. Great Basin National Park has the cleanest air of any national park site in the lower 48, this is something that Nevadan's and citizens of White Pine County can be proud of. Let me close by stating that the National Park Service supports economic development in White Pine County, we recognize that the BLM's environmental impact statement is not complete, and recommend delaying a decision until the NEPA process is complete.

Dante Pistone: Thank you for your comment, the next person is Laurie Carson. Pardon me? We'll come back to her. Charles Benjamin,

Charles Benjamin: Good evening, can you hear me? Thank you, sure, I'll try to balance both if I can. My name is Charles Benjamin. My office is at 769 Basque Way, Carson City, Nevada. I am the director and lead attorney for the Nevada office of Western Resource Advocates. And the comments I'm going to give tonight are going to be expanded upon in written comments that will be submitted by January 23rd and these comments are on behalf of a coalition called the Nevada Clean Energy Campaign. I'll try to get to this in 3 minutes if I can, but if I need another minute or so I would appreciate your indulgence. Number one, the Ely Energy Center will be a significant source of pollutants in the region with projected emissions of 4,628 tons per year of SO₂, 4,853 tons per year of NO_x, 1,788 tons per year of PM₁₀, 285 tons per year of volatile organic compounds and several other pollutants including toxic pollutants such as mercury. A comparison of these projected emissions with 1999 emissions data available on EPA's air data website, with 1999 being the most recent year of facility emissions available on EPA's air data website, shows that the Ely Energy Center will be the largest single industrial source of SO₂ emissions in the upwind regions of several non attainment areas, including White Pine County,

Nevada and Millard, I pronounce that, I believe it is Juab, and Tooele, Juab, thank you, and Tooele counties in Utah. In fact, the projected emissions at the Ely Energy Center exceed the 1999 levels of SO₂ emissions at existing 20 year old Intermountain Power Plant in Delta Utah that has a higher generating capacity than the proposed Ely Energy Center, 1,500 megawatts versus 1,800 megawatts. This is just Units 1 and 2, and does not consider new unit 3 that has not yet been constructed yet. Further, after the existing Intermountain Power Plant units in Delta Utah, the Ely Energy Center will be the next largest single industrial source of NO_x emissions in the upwind regions of these non attainment areas. Clearly, this significant source of air pollutants could have adverse impacts on the already poor air quality in the Wasatch front. In addition, the White Pine Energy Station proposed to be located nearby the Ely Energy Center must also be modeled with the Ely Energy Center as the weather conditions that bring the Ely Energy Center's pollution to Utah will also bring White Pine's pollution to Utah. The Nevada Division of Environmental Protection must not issue this permit unless and until Sierra Pacific Resources submits modeling analyses showing that the Ely Energy Center will not prevent attainment or continued maintenance of any ambient air quality standard in any of these areas. Number two, Sierra Pacific Resources failed to conduct any modeling of impacts on PM_{2.5} concentrations. It is reprehensible that Sierra Pacific Resources and the Nevada Division of Environmental Protection failed to assess the impacts that the Ely Energy Center would have on PM_{2.5} concentrations, especially considering that all the necessary modeling tools are available for conducting such analyses. It is imperative, that the Nevada Division of Environmental Protection require Sierra Pacific Resources to evaluate whether the Ely Energy Center would cause or contribute to a violation of the PM_{2.5} ambient air standards in Nevada and Utah. Such modeling must take into account not only the directly emitted PM_{2.5} pollution, but also the precursors to PM_{2.5}, for example, such as SO₂ and NO_x that will form the PM_{2.5} downwind to the proposed plant. Further, given the proximity of the Ely Energy Center to the proposed White Pine Power Plant, the two plants should be modeled together, so that Nevada will understand the combined impact of its decisions to allow construction of these two power plants. The Nevada Division of Environmental Protection must not issue a permit for the Ely Energy Center without a demonstrated showing that the facility would not cause or contribute to a violation to the PM_{2.5} ambient air quality standards. Number three, the Ely Energy Center will cause significant and adverse impacts on visibility, sulfur and nitrogen deposition at Great Basin National Park. This prized national park has some of the best visibility of any national park in the lower 48 states. Further, this park is home to the worlds oldest living thing, the Bristlecone Pine. While this park was not formally designated a Class 1 area, the lack of such designation is result of when the park was created rather than whether the park is deserving of Class 1 status. Note, the park must have been established after August 7th 1977, the date of the 1977 Clean Air Act. Under the Clean Air Act, only national parks and wildernesses in existence as of August 7, 1977 are designated as mandatory Class 1 areas.

Dante Pistone: Are you about finished?

Charles Benjamin: I have a little while to go.

Dante Pistone: Could you submit the rest in writing? Just wrap it up now.

Audience: Three minutes!

Charles Benjamin: Could I have another minute?

Dante Pistone: Okay, one more minute

Audience: No, no!

Charles Benjamin: Nevada always has had the option to designate this area as Class 1. Further, one of the mandates for the federal Prevention of Significant Deterioration program of the Clean Air Act, which Nevada has been delegated authority to implement on behalf of EPA, is to quote preserve, protect, and enhance the air quality of national parks and national wilderness areas, and this legal mandate does not distinguish between those national parks that existed in 1977, and were designated Class 1 under the Clean Air Act, and those national parks that were designated after 1977, such as Great Basin National Park. Thus, the Nevada Division of Environmental Protection's proposal to issue this permit when Sierra Pacific Resources' modeling show the Ely Power Plant would degrade visibility on 20 percent of the days of the year represents a complete abrogation of this federal mandate. Further the proposed White Pine Power Plant was also projected to have significant impacts of visibility and on sulfur and nitrogen deposition. Given the proximity of these two plants, and that the weather conditions that bring the Ely Energy Center's air pollution to Great Basin will also bring the White Pine Energy Center's air pollution to Great Basin, it is imperative that both sources be modeled for full evaluation of impacts to visibility and sulfur and nitrogen deposition Great Basin National Park.

Audience: Time's up. Time's up.

Charles Benjamin: Um, I have one more point.

Audience: Time's up! (general discontent)

Dante Pistone: One more point.

Audience: Times up, get off the podium. Time has been up.

Charles Benjamin: Well, if others speak, if you can just give me 30 more seconds after everyone speaks, I'll make the last point.

Audience: No, no, no,.

Charles Benjamin: Number four, the Ely Energy Center will also degrade visibility... This is all for the record, I'm sorry, part of the record, and maybe relevant in any future litigation.

Dante Pistone: Submit your comments in writing, it has the same effect.

Charles Benjamin: We will, but also the oral comments are also part of the record, okay.

Greg Remer: That is true.

Charles Benjamin: Zion National Park is a federally designated Class 1 area, Sierra Pacific Resource's air quality modeling show that the Ely Energy Center would cause noticeable changes in visibility in Zion National Park and impacts that the National Park Service would typically consider as adverse. The Nevada Division of Environmental Protection has a duty under federal and state law to meet the mandates of the Prevention of Significant Deterioration program in deciding to issue this permit. As previously stated, those mandates include providing for the protection, preservation, and enhancement of air quality in national parks. Thus the Nevada Division of Environmental Protection cannot issue the permit in light of these adverse impacts. One final paragraph, further Sierra Pacific, may I point out

Audience: No, (general discontent)

Dante Pistone: Okay, finish your comment

Charles Benjamin: Further, Sierra Pacific Resource's visibility modeling failed to take into account the combined impacts of the White Pine Energy Station with the Ely Energy Station in Zion. Considering the proximity of these two proposed power plants, the combined impact of visibility at Zion National Park is likely to be very significant. I want to say I appreciate the opportunity to present these comments and it is imperative that we put these comments in the record because we must exhaust our administrative remedies if we are to file litigation further on. Thank you very much.

Greg Remer: Would you like to file those now?

Dante Pistone: Would you like to submit your written comments?

Charles Benjamin: No, we'll submit them later...

Dante Pistone: As I said at the outset, you know, were trying to limit it so everyone can comment. And all it does is irritate everybody else when you go too long, it actually probably works against your cause. So, please try and keep your comments to three minutes or a little longer, but we'd like to get out of here at a decent hour, yet allow everybody to make their comments. Laurie Carson,

Laurie Carson: My name is Laurie Carson. I'm a White Pine county resident and I'm also a county commission, county commissioner. The county commission, the county has been deeply involved with the air permitting process and we feel confident in NDEP's decision. The county commission has gone on record in support of clean coal plants and the Ely Energy Center. This permitting, this permit will allow them to close three older plants resulting in movement towards cleaner air. I, we, the commission support all energy alternatives, including renewable and clean coal to provide base load power and newer technology as it becomes available. Countywide, with a population of approximately 10,000 people, 15% are seniors, and that percentage is higher in the outlying communities. And right now, a clean coal power plant is the most affordable for

those on a fixed income with cost of living constantly rising, and I thank you for the opportunity to speak to this issue.

Dante Pistone: The next person is Susan Potts with the Bristlecone Alliance.

Francisco Vega: Let's switch that one, Dante, let's switch that microphone.

Susan Potts: Hi, I do have a long list of comments that I'll submit in writing, but, for now I just wanted to state that I know you are trying to assure us that all of the dozen or so emissions that will be coming out of these plants are well within legal standards. But I think, given that your mission statement is to preserve and enhance the environment of the state in order to protect public health and sustain a healthy environment, I think that's a healthy environment not just for the people that reside here, such as myself, but also for the plants and animals. And we already have dangerously high levels of mercury throughout the state including two lakes here that are popular for fishing, Cummings and Bassett Lakes, and it just to me seems completely irresponsible to allow any further Mercury emissions in this area in addition to all the other chemicals. And that's my basic concern, is you know, is that, and I would hope you'd follow the guidelines of your mission statement much more closely that just the basic laws of the state, thank you.

Dante Pistone: Our mission statement really is superseded by state law. It wouldn't be, as a state agency, we have to follow state law; it wouldn't behoove us to pick and choose which state laws we follow. So, beyond our mission statement we have to follow state law. Next person is Tom Bath.

Tom Bath: My name is Tom Bath and my family came here in nineteen hundred and four, I have a large family here and in the '70's and the '80's I was greatly involved in power plants in Utah, which we built to the best standards possible at that time for air pollution. The benefit of those and for people that aren't from Utah is that they have really good power rates; we'd like to see that in Nevada also. What you folks have gone over tonight assures me that this is going to be a state of the art plant, to the best technology that we have. And as a citizen here who's an advocate of this plant I appreciate your going through it thoroughly I also feel very comfortable tonight from our friends that have asked all these questions, you've been able to answer them, and tell us what the law is and where these two plants are going to sit. So I'd like to thank you for coming and we appreciate your thorough, thoroughness and I would say that vast majority of the people in White Pine County support your efforts. .

Dante Pistone: Thanks for your comments, the next person is Oskar Atkinson with the Bristlecone Alliance, since, do you have something different to add than what the previous person did?

Greg Remer: What we're also going to do is call the person next in line so they can be staged up here so we can get through as quickly as possible.

Oskar Atkinson: Good evening, My name is Oskar Atkinson.

Greg Remer: Wait, hold on just a second, let's call, call the next person.

Dante Pistone: Next person will be Eldora Johnson.

Oskar Atkinson: Good evening, my name is Oskar Atkinson. Earlier this evening you were stating there is a eight mile zone, eight mile radius around the power plant, where there is a significant impact. What do you define as significant impact? Especially if ah, for people living in that zone? Thank you.

Greg Remer: Well, first of all let's start by identifying what the maximum impact was. And it's on this slide as we've already been in before, okay, if it cuts out, if it cuts... Kiko can you go see if there's somebody back there that has a battery for it maybe? Okay, back to the slide. The maximum impacts total including background are these values here. The significant impacts vary by pollutant, but generally let's just focus on NOx for instance, it's a one microgram impact. So, the extent of the impact, basically, the extent of the area that is affected by the source is within an 8 mile radius for NOx. And I think NOx was the pollutant that had the most significant impact, the greatest distance. So we go out 8 miles and basically the concentration trails off to less than what is considered significant, what is less than one microgram is in this case for NOx.

Dante Pistone: So he lives within that area though and,

Greg Remer: If you live within the eight mile radius, then your maximum impact and you'll have to forgive us we don't have all of the specific information on this slide, but it is in the, the documentation on our website, which is readily available. And if you're really interested we can try to look it up after the hearing tonight. But, the total impact due to the facility itself, is this first column right here, and there's a specific location that that's, that is associated with that and generally you go to these slides here, it's typically right around the facility.

Dante Pistone: But he lives within that area, and he wants to know should he be concerned?

Greg Remer: No, because all of the impacts within the eight mile radius are less than the ambient standards, and the ambient standards are set to protect your health and welfare.

Eldora Johnson: Eldora Johnson, resident of White Pine County, proud member of Mt Wheeler Power Incorporated of Rule Electric Company, that provides our power to Ely Nevada, and which we are a percentage owner of a power plant in Vernal, Utah and part owner of a coal mine in Wrangley, Colorado. And I have personally seen the very worst scenario of lax EPA rules within the uranium mining generating nuclear problems, which result in many deaths from downwind syndromes, and which brought about the tightening of these standards. I've also taken the time when I sat on the board, to take the tour of that power plant, take the tour of that coal mine, visit with the people from all around that area, family, friends. I'm from Utah, right down Paiute County, right down in the Canyonlands area, so I know the importance of protecting what we have. But I believe with what is coming and the technology we have the ability to do that and be able to maintain those standards, everything is safe and as clean as possibly can be done and if we work together and I know those power plants they have an environmentalist on staff at all time, they even have to report a death of a bird that happens to get into an office by

chance, it has to be reported as a death so they are very aware of any kind of potential damage to animals, birds, plants, humans to make it as safe and as possible as can be. And I do want to thank these people for their time and effort because it takes a lot of tax payers dollars, a lot of work time, a lot of overtime, and its very hard for these people to have to make a decision on the life and death of a community. And I think if we work together, we can come to an agreement there. It's when everybody's special interest has got to be the number one, you never accomplish anything when your out running around, everybody's a loose cannon. But when you get together you can make that work, and I'm a firm believer that this can be done safely and it can work, and we can grow, and we can be safe, then there won't be deaths and illnesses and stuff can handle and taken care of correctly. Thank you.

Audience: Testing, testing, testing, testing,

Dante Pistone: Technology problem. The next person is Calvin Grady Henley, and the person following him is Holly Wilson.

Dante Pistone: Okay, Holly Wilson and the next person will be Curt Leet.

Holly Wilson: Do you think it's planted firmly enough there, do ya?

Dante Pistone: take it off the pole.

Holly Wilson: Oh do I? I'd rather not. I'd rather not hold anything. You know, maybe we should pass the hat before we leave tonight, and buy a new one, you betcha... Oh yeah, this is, I'm just magnetic. Okay, okay, my name is Holly Wilson. I'm a resident of Ely Nevada, I'm retired so I'm a housewife, I just have a few questions then about dust, although anyone who comes to my house wouldn't understand my occupation at all. You did tell the gentlemen that the report takes into consideration the production of ambient materials in the air, if there are two plants. I would also like to know if the report takes in consideration ambients generated by the construction of the 250 mile transmission line. Oh hello, don't time me....

Greg Remer: We don't have the application for that, so it's not factored into this. The transmission line will be required to control its dust when it's permitted. We issue what's called a surface area disturbance permit for those. There is no physical emission other than dust that gets generated from on site activity. These areas are typically relatively small in size and they're spread over long distance, obviously, over the distance of the power line. And our permits require that whoever has one of these, in this case it would be Sierra Pacific Resources, Sierra Pacific Power, that they control all of their fugitive dust.

Holly Wilson: Interesting. In the interest in making this short then, I will submit at the time I turn in my letter, a story that appeared in the San Francisco Chronicle in July of 2007, about an article in the addition of the geophysical research letters by researchers with the National Snow and Ice Data Center, at the University of Colorado, Boulder. Which would appear to substantiate the fact that all dust producing activities, for example, mining, ranching, energy production, diminish the snow pack, resulting in earlier melt, thus impacting water supplies, always a matter of concern in the Steptoe.

Dante Pistone: Thank you, let's just say that we've got several people that quote from different publications, really doesn't have a lot of bearing on what we're dealing with here. It's interesting stuff, how accurate and how tested it is and where it comes from hasn't been vetted, so, it's interesting, and you're certainly welcome to make those comments, but not very relevant actually. Next person is Ed Naranjo, Naranjo?

Greg Remer: Curt Leet

Dante Pistone: I'm sorry, Curt is first then,

Curt Leet: Well good evening. Thanks for coming to address this air quality permit. I oppose the polluting of our local air quality and the impacts to the environment resulting from the pollution that would be generated by this plant. We can currently see for 40 or 50 miles when we stand on a peak around here, and the views are outstanding. Even if this air quality permit meets all the Clean Air Act standards, state laws will still allow the increase of SOx, NOx, Carbon Dioxide, Mercury and other hazardous chemicals here in Steptoe Valley. Your mission statement says you're supposed to protect and enhance the environment. I don't see how you could do that by approving this permit. State air quality laws appear to be very lax tailored to the EPA regulations, which are also very lax, and not strong enough to protect the environment. You stated during the air quality hearing for LS Power, I believe it was back in March, that the valley could not support two plants. And you said in your analysis, the considered permitted activities since they're not permitted, where they analyzed? And, or would you choose one plant over the other? Did, did NDEP analyze the differences in dispersion from the preferred site and the alternative plant site? Being how we're in this narrow valley it seems like dispersion would be better a lot better further north even though dispersion is not the answer to the pollution.

It seems that the exhaust would be hard to accurately monitor, and if there are problems can we really be assured that they would be fined and the problem would be immediately cleaned up or would they just be fined and allowed to continue to pollute? How will visibility around Great Basin National Park be impacted? Why was the air quality permit for a coal fired plant in Kansas denied, but it's being considered here in Steptoe Valley? We're already experiencing poor air quality non attainment days when we get wind out of the south, and the Las Vegas pollution comes up here with the cumulative impacts with continued growth down there in the Coyote Springs development, our air will be further threatened. Why isn't that enough to stop this air quality permit from being approved? Wild land fires also caused our air to reach non attainment status; will the coal fired power plant be shut down during periods of wild land fire? There is a toxic dust that would blow off the landfill from what, the coal ash and tower waste, is that analyzed in the permit? And is the draft air quality permit EEC submitted - they use rates, in the permit they submitted, they used rates like kilograms per BTU per hour, it makes it hard to relate to your tons per year that you relate to often in your presentations. We need to promote the development of renewable energy that will not negatively impact our environment. This would also help stabilize the economy without polluting the air, and then also, that was speaking on my behalf there, and I'm also a member of the public line user advisory committee. And there about a year ago we updated the White Pine County public land policy plan that was adopted soon after by the White Pine County Commissioners. In Section 1.6 it states green house gases should be

considered an air quality issue. Although green house gases are not currently regulated by the state, and NDEP does not want to address them, it is serious concern to the county and we would appreciate your being a little proactive and address green house gases in this Ely Energy Center air quality permit, thanks.

Dante Pistone: You asked several questions there I don't know if we can single all of them out or not, but we will, we reply formally to every question asked so you will be getting a response to every question. A couple that stick out for me, we have to follow the existing law. If any of you feel that this state law or the federal law is too lenient, there are ways to change those laws. But, we're, we're bound by existing law and we have to follow it, so, we can't really consider anything outside outside of the existing law right now. If green house gas regulations and standards are set as I said before, we'll look at those.

Greg Remer: There's another point I'd like to bring up, I think one of these questions or comments related to the combined effect of the LS Power Project and the hearing that we held roughly nine or ten months ago right in this very room. At the time, we'd have to go back to check the records for sure, but my recollection is, when the question came up about, about LS Power at the time and the planned or future Ely Energy Center project, well our response was no, we did not include the Ely Energy Center project in the LS review process because the LS review process preceded the Ely Energy Center application, we had nothing to review. What we did say was when the Ely Energy Center application was received, that application and our analysis would definitely include what would be then, existing LS project within that. That's about the only other point of clarification. We have one more in the queue here.

Dante Pistone: Right, state your name, the next person is Neil Frakes.

Rupert Steel: Good evening, my name is Rupert Steel. I'm the chairman of the Confederated Tribes of the Goshute reservation out in Ibapah, Utah. The Goshute tribe opposes the proposed coal plant project. Goshute business council, five member governing council, I want to acknowledge them, they're here today, I'm glad that they made it, and also I want to acknowledge my tribal members who are here in opposition of the plant. I have 35 members that are here. We passed resolution 08G-02, which I will submit to Francisco. We're concerned about everything that everybody has mentioned here. The increase of atmospheric carbon dioxide levels that are contaminating the air and the water and ultimately, we maybe, the earth may be in jeopardy of extinction here so it's something serious that we need to consider. And another thing I want you to consider is that the Goshute Indian Reservation does have a Class 1 air shed. So I want that for the record, and also, what I'd like to see is a smoke vectoring. You mentioned 8 to 12 miles. I disagree with that, I think that's probably based on a no wind or little or no wind. But I'd like to have a vectoring done and identified because the reservation is located approximately 20 to 25 miles west of the plant, east of the plant, we're in direct line of the smoke dispersion. And with that, I'd like to read, publically read a letter, written to Francisco. Dear Mr Vega, the Confederated Tribes of the Goshute Indian Reservation, in Ibapah, Utah, hereby declares its opposition to the construction of a Class 1 facility, referred to as the Ely Energy Center project, located 30 miles north of Ely, Nevada on Highway 93. The location of the Class 1 project is within the aboriginal territory of the Goshute Tribe and is also is located very close to current exterior boundaries of the Goshute Reservation. As an Indian tribe, the Goshute Tribe has

an inherent responsibility to protect its aboriginal territory, the health and safety of its tribal members, especially those living on the reservation; any Class 1 project would be detrimental to the land of the Goshutes and to the health and safety of Goshute tribal members living on the reservation. Specifically, any Class 1 project as described above, will release dangerous and hazardous pollutants into the air, thereby damaging Goshute land, the health of tribal members, natural resources, and cultural resources. The Goshute tribe is concerned about sulfur dioxide, nitrogen oxides and other pollutants that will be released into the air from the coal fired plant. Years ago, when Kennecott was in operation at McGill, Nevada, our reservation that's including the Ibapah Valley, was continuously bombarded by filth emitted from the operation of a coal fired plant as the prevailing winds carried the filth of our home land. In addition, our people have an unusually high incident of asthma, which condition will be worse as the pollutants will be transmitted over long distance. As you should already, as you should already know, the United States federal government has the first responsibility to protect Indian tribal assets, and including but not limited to, land, water, air and people. This responsibility has been described by the United States Supreme Court as a moral obligation of the highest responsibility and trust. Even though the State of Nevada has no such obligation, you should take this into consideration, deciding whether to issue the proper permits. The Goshute tribe has considered the federal trust responsibility and will be contacting the federal Bureau of Indian Affairs and the Department of the Interior to oppose the Class 1 facility. I demand that no permit be issued so that further research and study will be conducted to assess the impacts of the Class 1 facility upon the Goshute tribe. I have attached the copy of the Goshute tribal resolution in opposition of your plants. Thank you.

Dante Pistone: Neil Frakes, then Jennifer Brickey,

Neil Frakes: Thank you. First of all I'd like to thank you for giving us the opportunity to speak at this forum and thank you listening to those of us that are even a bit long winded, I won't be long winded though. I just wanted to mention that, it was mentioned during the question period that the ambient air quality was measured for one year only, from September 2006 to 2007 maybe a little bit longer than that. I guess I'm not very comfortable with that and the reason is that I think that variability of natural cycles such as wild fire is greater than one year, and we have big fire years we have years where we don't have may fires. So I think you really need to use a longer period to kind of gauge that ambient quality. And the other thing that I'm concerned about is that conditions that you might experience in 2006-2007 are not likely going to be same as conditions that we're going experience in the future due to a variety of factors such as climate change, the coyote springs development, increase in population in other parts of the state, so I think we really need to project more into the future in your analysis when looking at those ambient conditions. And lastly, another concern that I have is, and this is kind of an indirect effect on air quality I think is that this plant and the LS plant are going to use a large amount of water. This large amount of water could create a draw down at the water table which could have an effect on vegetation. More specifically, a decrease in vegetation, which could allow for more dust storms and things, particulate matter getting into the air because of that reason, so, thanks.

Dante Pistone: Jennifer Brickey and the next person will be John Chachas.

Jennifer Brickey: My name is Jennifer Brickey and I'm a resident of Ely Nevada. And I actually have a couple of questions. First off you don't mention anything about Integrated Gasification Combined Cycles, or, and I was wondering they were actually proposing at one time about actually putting in coal gasification into this plant. Did they have that in their application or in the permit? Because I didn't really see it actually in the permit either. Oh,

Greg Remer: The application that we processed, that we evaluated was for a pulverized coal fired super critical boiler, as Kiko stated at the outset of his presentation. As to future plans, for what the Ely Energy Center will contain, it's my understanding that there is under consideration alternate energy sources wind, solar. I'm not sure exactly which or both, and I'm not certain that they've investigated or evaluated the option of adding IGCC at a later date. But this particular project is only a two unit, pulverized coal, super critical boiler process.

Jennifer Brickey: So just to make sure I understand. That means the coal gasification, if they're going to actually build it, would they'd have to apply for a separate permit?

Greg Remer: Yes, they will come back at a later date.

Jennifer Brickey: At a later date?

Greg Remer: Yeah

Jennifer Brickey: Also I was wondering with mercury. What percentage of the total mercury in the coal do the power plants propose to be removing?

Greg Remer: What percentage is the removal?

Jennifer Brickey: What percentage out, will be removed, actually you mentioned a very low number. But, okay.

Greg Remer: The percent removal is a little difficult to assess. That's because there's variability, as you may know, in how much mercury is in any given coal ore body, any coal seam. And even within a specific coal mine, there is variability of the mercury content. I'm not exactly certain what the, what the expected mercury content is of the coal that they will be using from the Powder River Basin. But generally it's a relatively low amount and the addition of the, the carbon injection system will reduce their emissions from whatever they may be without it, down to very, very, very low levels, four times, five times, less than what's allowed by the federal EPA regulations.

Jennifer Brickey: Okay, actually I understand that of course at EPA that power plants that burn Wyoming coal are actually able to remove far less mercury due to the actual chemical nature of the coal, whereas power plants that burn coal from like the Eastern United States can remove far greater, like they can remove 80-90 percent whereas Wyoming they can remove maybe 25 percent of the mercury and so I'm wondering, those estimates, are they based, I mean like, how do you come up with those estimates if you're saying it's going to be variable?

Greg Remer: It's variable because, as I said, each coal zone, each coal line, has different char..., the coal has different characteristics. Not only does it have different heating value, it has different sulfur content, different nitrogen content, different ash content. Mercury is just one of those values that go into that. Western coal is typically very low sulfur content relative to eastern coal. The mercury content is, I don't have any values on the comparisons there, but the amount of mercury in each coal mine is variable, not only between mines but within the mine itself. So what the Ely Energy Center project is, they, they, evaluated where their likely source of coal would come from, western low sulfur coals is the most desirable because of all of the other lower emitting qualities that it, that it will produce. And then they evaluated what mercury content would be likely to come from that and set an emission limitation through our process to comply with, that is as I said, 4 to 5 times less than what they're actually required to comply with.

Jennifer Brickey: Okay, so one other thing I want to add is, I mean, as people mentioned before mercury does bio-accumulate in the system and it can bio-accumulate to the point where it's gets to be at toxic levels, and even at very low amounts that are actually emitted I mean you say to a negative six, to the negative six, I'm a scientist, I understand that's a very small amount per megawatt hour but, this is a 1,500 megawatt plant so there's going to be quite a bit of mercury emitted per day. I believe it was something like 300 pounds per year, and that's actually a lot of mercury that can actually be allowed to get into the system to accumulate over time, just remember 30 years, that's a lot of pounds of mercury. And I really just I guess personally I just do not think it's actually something, you know, that should be allowed at all. I grew up in the mid west. I grew up around six coal fired power plants. We couldn't eat fish out of any of the actual lakes, streams, rivers. Not over 90 percent of those waterways have mercury warnings. If you're a woman and you ever want to have a child you're not supposed to eat the fish. Period. People still do, and they still have children and they actually have problems. So I really do think that's an issue that needs to be brought up. I really wish that NDEP would actually be able to take a better stand on this issue, rather than have to just follow the actual laws, and I'll just finish from there.

Dante Pistone: NDEP has been very active in fish tissue sampling across Nevada. We, as we said before the Nevada Clean Air Mercury Rule, (*Unclear*) the mercury is more stringent than the Federal rule. We've done fish tissue sampling across the state. We're working with the Department of Wildlife to monitor the situation and, you know, it doesn't say that you can't eat any fish, it's just you have to minimize your intake, certain people are more susceptible, pregnant women, small children and it's (*Unclear*). You know, they, the EPA office in Oregon sampled 200 and some odd rivers across the west and found mercury in every one of them, many of them not even close to power plants. So mercury is with us in a natural state in background levels across, we live in a mercury belt unfortunately, natural. Now, you know, the power plant does emit some mercury, and, but, you know, according to our extensive evaluation of it, it's below, well below the requirements.

Greg Remer: Just one more thing to extend what Dante was saying. We understand that mercury is a critical issue. To that end as Dante said we did create a more stringent program than the federal government's program. But, to the US EPA's credit, they also recognize that mercury in water bodies, in lakes and streams, is an issue, and it developed into a critical issue,

which caused the generation of the Clean Air Mercury Rule, the federal program. That's the mechanism, the means that the federal government has chosen to address this issue. In addition to that, the State of Nevada, as I said, not only developed a more stringent process, a better process we feel, but we've also added to that on another front in our mining industry. We have a mercury control program for our mines as well. We take mercury seriously and we are addressing it. We have to, as Dante said earlier, we have to permit within standards. If we permitted to arbitrary limitations that, that nobody knew, or could not understand, nothing would get done in this state, nothing would get done in any state in this country. There have to be levels to which it is acceptable to do something.

Jennifer Brickey: Could I ask one more question then? Just one more.

Dante Pistone: Well you're way past your three minutes, but

Jennifer Brickey: Just one more, well, just one more question then. Is NDEP allowed to use, instead of going with standards, but also looking into best available science, cause a lot of times scientific research is far beyond and actually finds a lot more, you know, like, finds out that things are actually not as up to date as in terms of regulations. Are you ever able to allowed to use that for decisions?

Greg Remer: Our process uses BACT for pollutants, except for mercury, it uses the PSD process, the Prevention of Significant Deterioration process, it's on many of the screens here. That process utilizes what's called the Best Available Control Technology review process. It embodies a wealth of information from across the country at multiple similar type plants, similar units that we evaluate, that the company is required to evaluate and give to us, such that we can review whether or not is indeed the best available control technology for this plant, for what they would propose. From a mercury prospective, that is not part of this process. It is dealt with through an emission limitation process directly through the federal mercury program. We have gone further than what the federal mercury program requires.

Jennifer Brickey: I'm good, I'm done.

Dante Pistone: John Chachas is next followed by Ken Kliener.

John Chachas: Thank you Mr. Chairman, again my name is John Chachas. I'm chairman of the Steptoe Valley Energy Advocate Committee. I'm born and raised in Ely Nevada. I attended school here. I went to the University of Utah where I received my degree in accounting and I came back to White Pine County to help contribute to the progress of this community. I appreciate you, Mr. Chairman, and your board for what your doing. I appreciate Sierra Pacific for their efforts for what they're doing in the state. It's obvious with the attendance tonight that this is not just a local or a state, but it's a national issue. We've got NBC television here in White Pine County. They flew in from New York last night. They're here because this issue, pardon me? This issue not only affects us, it affects this entire nation. I am number one cheerleader for this project. I applaud you folks for doing your due diligence in making sure this project meets and exceeds the federal standards that have been set for them to comply with. I've got copies of resolutions from the city of Ely, Elko County Board of Commissioners, the McGill

town council, Nevada state AFL-CIO, White Pine Chamber of Commerce, the White Pine County Commission, White Pine County Sheriff's Office Employee Association, there's over 45 local businesses, and over 350 individuals that have signed letters of support that I want submitted as part of the record. I have a graph here that is from the EPA's clean air markets website that shows the pollution being emitted by Utah coal plants versus pollution being emitted by Nevada coal plants. 90 percent of energy produced in Utah is from coal fired power plants, less than 15 percent of Nevada's power comes from coal fired power plants.

Greg Remer: Is that 9 or 90?

John Chachas: 90

Greg Remer: 90 percent

John Chachas: 90 percent. Utah coal plants emits 70,000 tons of nitrous oxide; approximately 40,000 tons of CO₂; and about 38,000 tons of SO₂. Nevada coal plants are emitting 20,000 tons of nitrous oxide; about 18,000 tons of CO₂; and about 8,000 tons of SO₂. I appreciate our good neighbors from Utah to support the Nevada plant being built. That would allow the closing of not only two, possibly three older coal fired power plants, which are close to their 40 year cycle, and this modern technology will allow more power to be generated for the west with lower emissions. If Utah is that concerned about our emissions I think that they need to go back to Utah and speak with their power producers. You know, we all want to be good neighbors and friends while we're trying to survive economically. This, my times up, I will honor that request. I appreciate everyone being here tonight, thank you.

Dante Pistone: Ken Kliener is next, followed by Joel Ban.

Ken Kliener: (See one of these workin'?) Thank you and I do appreciate you folks coming here and having this open forum. One thing that I thought was very interesting was I believe it was the comments from the superintendent of the Great Basin, Great Basin National Park who said that some of the cleanest air in the United States is found right in that park. And I believe that to be a true statement. In fact I heard it before. I heard that in 1974 and that was when Kennecott was blowing smoke around the area. It didn't seem to bother them. Also, I would point out that, with that I don't, I don't think that this would really cause any problems in that particular area. It didn't then and I don't think it would now. One thing, though, while Kennecott was blowing smoke, this was a prosperous town. There were people, good employment here, the town had a lot of good lifestyles that, the city was twice what it is now in population, the county was twice what it is now. And by the way the county census shows about 8,500 people and over a thousand of those people in the county are incarcerated in the Ely state prison. But, anyway, because of the stoppage of Kennecott and no other thing to take its place, we've been in an economic slump ever since then, and we do need a good opportunity to get back on our feet. I believe this power plant will do that. Now, what they had with Kennecott was bad and the IPP power plant in Delta was a great improvement of air quality from that, but now this one, according to what I've seen, is a lot less, a whole lot less, in fact its gonna be put in here to shut down not that particular one but some other coal fired power plants and give us a better air quality throughout the western area. I believe in what you guys have done here and I know that you don't take this lightly

because you've done a lot of homework here, and I think that, I think that Ely Energy Center has done a lot to guarantee that they are going to conform, not only conform but a, do a lot better than that. So I'd like to give my support to you guys and what you're doing, I think you'll do the right thing here, and also, I appreciate what Ely Energy Center is doing as well, thank you.

Dante Pistone: Joel Ban is next, followed by Linda Johnson.

Joel Ban: My name is Joel Ban and I live in Salt Lake City. Just in response to the other gentlemen, we are actively opposing Utah power plants as well, that are powered by coal, and, so it's not just a, it is a situation of a quid pro quo, it's going on both sides of the border. Nevada is in a very unique and a very special, special geographical situation based on its location where there's tremendous solar and geothermal potential. We should be doing a lot more of this in Utah as well as we also have the ability to harness these resources. In my mind it makes little sense to develop an antiquated resource like coal in a state that is a leading producer of clean energy. Not a lot of people have talked a lot about the human health concerns, and although other people have talked about it, I don't think they can be over emphasized. Every person in this room should be concerned about the coal emissions that are coming from these plants both in Nevada and Utah. This permit, just because it is in compliance with the Clean Air Act and certain emissions standards does not mean that they are protective of human health, and these affects are gonna to be affecting all of our healths collectively. It's very important to realize that there's no safe level, of particular, of particulate matter, both PM10, PM2.5, ozone, NOx and SOx. Studies show that as these pollutant go up, there's a direct correlation with mortality rates. That is, the more of these pollutants that are released into the environment, the death rates go up from both cancer and cardio pulmonary disease. This plant will also release a large quantity of mercury, which is a neurotoxin. This has a high potential to cause autism. Recent studies have shown that although there may not be an absolute connection, there is a very high potential of even very low quantities of mercury that can cause autism. If this plant must be built, I strongly urge the use of the Best Available Control Technology, including not just the carbon injection technologies that were mentioned, but also coal gasification. As they're a much more effective than conventional technologies, and these technologies are encouraged under the clean air act, and they would reduce the emissions of both criteria pollutants and mercury, thank you.

Dante Pistone: Next person is Linda Johnson followed by Jed Peeler

Linda Johnson: Could I ask you please to put the picture of the 300 km circle up? Thank you, that's it. The reason that I've asked for this particular picture is in response to people who have said that we don't really have any interest and right to be here.

Greg Remer: We can't hear you; you gotta really get it close and straight in here.

Linda Johnson: Yeah, okay, sorry. I live in Salt Lake City. If you'll notice the map, it's not just part of Utah that's in your projection, but, it's also most of the population of the state. I imagine they'll lynch me, the guys from Vernal, but, really, our entire population is located on Route 15 somewhere and that's all in that picture. So I think we, we have no right to tell you what to do and we can't affect the, the process, but we will live with the results of it and that's why we're here. I think that it would be nice if, and I understand your law doesn't permit this,

you're building three power plants at the edge of Nevada, and the people in Utah are the people who will be impacted and I think they should be considered for your citizens and for our citizens as a whole group. We were affected by forest fires all summer as you were. We all share the same air. The other thing that's a different subject that I'd like to address is that this report from the clean coal people that was given away outside, on page three, paragraph two, says they will make economically viable improvements to their systems. It'll never happen. They, coal companies, coal burning companies, have resisted making changes in the last 30 years. The only reason we got scrubbers on smoke stacks in the '70's was because of legislation. And as soon there was legislation, an economically viable way to do it was found. You may not be able to require improvements, but you may be able to ask politely for them and apply the screws if they don't. You can always find something wrong with the project if you need to. And I think another thing you should do in addition to that is require concurrent wind and solar energy generation as a percentage of the final product. Again, unless you make legislation, unless you require it, or turn the screws tighter, that won't happen. In Colorado, they asked for wind generation and people had to pay extra for their electricity, as in Utah, to get wind generation. Then the state passed a law that said 15 percent of the energy had to come from wind. Guess what? We've got 20 percent now in Colorado. It's easy to do it if you have a will to do it, and for the people for Nevada and the people of Utah, I think it's worth while to have the will to just ask for the best, use the best method, please. Thank you.

Dante Pistone: Jed Peeler is next followed by JoAnne Garrett

Greg Remer: I'd like to just make one comment, about one of the last comments that she made. Although it's not part of our process, the State of Nevada has, through the public utilities commission, I believe, required the public utilities to maintain or to obtain as part of their energy portfolio, at least 20 percent, I believe, by 2015? So the State of Nevada has been pursuing that alternative energy process. It started in roughly five years ago, I believe, with graduated steps up to 2015 to the 20 percent that you mentioned in, in Colorado, and they're making great progress towards that. I guess I'll leave it there.

Jed Peeler: Okay, my name is Jed Peeler. I'm a regional planning commissioner, chemist, and a business owner of a manufacturing plant here in Ely. I'd like to answer some of those questions that some of the people before me have brought up. First of all, in most urban areas asthma is caused by tire particles flying through the air. That's a government study by the way. Also, there are consequences to getting too involved in alternative energy. One is, you have to provide large swaths of land, which nobody seems to want to give up. It would take 17 percent of the whole area of the United States to supply energy for the people we have already, not to mention the 60 million illegal aliens Senator Reid wants to let in. So anyway, so anyway our big problem is we need low cost power. Countries like Germany that are getting away from low cost coal fired plants, this is a fact. Angela Merkle has shut down the coal fields in Germany as of 2012, their electrical costs are gonna go up by 600 percent. Not only that, they're having some problems with their alternative energy, and they're the largest generator of it in Europe by the way. And by the way, if we decide to do that here, all the gears come from Germany. We don't make those things here, and these things are a logistical and maintenance nightmare. Okay, just so you know that. And it's gonna require a larger work force. Guess who's gonna pay them? Alright, and now, now the next thing I'd like to say is these politicians allowed in 20 million illegal aliens, if

this problem isn't solved who's environmental damage will be done, and it's not caused by the necessary power plants that these people are gonna need. And that's one point that nobody brought up, what, whatever your thoughts are on that. Okay, the world population growth is the real problem. They're building one plant a week in China, why aren't you there? Reality is such that efficient power plants must be built to meet people's needs, wherever they are! And by the way, I grew up in Chicago right next to a power plant and I ate the fish in Lake Michigan. Well, White Pine County and Nevada need this power plant. It will link north to south so that alternate energy sources are feasible. Low cost power will bring in industry and revitalize the railroad, which we desperately need. Before the mine possibly closes, I'm part of the planning commission you gotta remember, when it closes again in the future, this will bring many more craftsmen with skills and retain the skilled workers we have, if we build this power plant. It will provide stable employment because other companies that can use the power will move here to fabricate products. Then the last thing I've gotta say is be careful what you ask for. Legislation of any kind designed to stop the building of the power plant could most probably be turned around and used to shut down all the mines in northern Nevada, because these people, the same people in this room have brought up the mercury problem from the mines in the past. You gotta remember what their objectives are, to shut down the mines and the power plants. What they're going to use for power, I have know idea, ask Tinkerbell. Alright, so anyway this will shut down all the industrial activity and I'm gonna use one example as a point. These types of people that are here opposing the power plant and their legal people have tried to shut down Dow Chemical, Dupont, Mercury Oil and other companies. This is in the December 6th 2006 *Chemical Week*. I'm not making this stuff up. They're 2,000 miles away, just like these coral reefs we're destroying, and they tried to put them out of business because they caused hurricane Katrina. That's the kind of people we're dealing with, they're not in reality. So, also, they're gonna go after your wood burning stoves, your vehicles, just about everything you can think of that emits anything. You won't be able to turn around when these people are through with you. This is what is called the law of unintended consequences, and I'm just warning you now, that's what they're up to.

Dante Pistone: Let's try not to make this personal about other people, stick to clean air and the issues involved.

Greg Remer: I would like to point out that we as a regulator, we are not a project proponent or a project opponent. We are merely an arbiter of what the applicable standards and regulations are that apply to a given applicant that submits us an application, and we are here today just to bring this before you so you can understand the process. This is about a year long process that we've gone through and we're very interested in hearing your comments and feed back to make sure that we haven't missed something. But keep in mind, we are bound by certain regulatory standards and requirements that if we go beyond, we are out on very, very thin ice, and Tinkerbell is not part of our process.

Dante Pistone: Next speaker is JoAnne Garrett followed by Jon Hickman.

JoAnne Garrett: Thank you for running a good show. I'm JoAnne Garrett and I live in Baker, right next to the park. I appreciate all of the, of the exacting information that you have gathered and in which you deal. I wonder if it would be against the law, against Nevada law, however, for

you to translate into the terms of public health, the meaning of these ah figures and percentages and so on. The, the that are so accurately recorded in your document, I don't think that, that there's a lack of information about the consequences of, of many of these contaminants on human health and that could be, that data can be turned into dollars and cents too, as far as the consequences, the economic consequences and so on. The true cost in other words of the project could be made quite, quite plain by translating those emissions into the health costs, thank you.

Dante Pistone: Thank you, next is John Hickman followed by Robert Hume, Hume?

John Hickman: Hi my name is John Hickman. I'm the mayor of Ely, and first of all I'd like to thank you guys for being here. I want to welcome everybody for being here in Ely. As the Mayor I have to say that, including our neighbors in Utah. I hope stop at the restaurants and casino's before you leave. You know before I get started on this, the National Parks thing, Delta Power Plant is what, 90 miles or so from the National Park, and like Ken Cleaver was saying early, earlier that the same arguments were in the '70's and '80's and I think that plant has been in operation since '82, and the park was pristine then. It must be blowing out pure oxygen for it to still be pristine today. But, I have a statement here that was written for me by an organization somewhere back east. They're advocates of coal burning plants. After I read, I agree with most of it, but after I read it I realized I don't think the guy that wrote it ever stepped foot in White Pine County. So I'm just going to say it from my heart what I feel and there's, there's, we all know there's no such thing as coal that burns clean, we all know that, there never will be. There never was. But, through science and technology of today, we have a way now to capture most of these emissions, 80 percent or more emissions are captured. And the CO₂, up to 15 percent is captured. This is all progress from the 1960's. These power plants are state of the art plants and with that being said, you know that, that's one of the reasons I'm for the coal burning plants there's really two reasons and that technology, I'm not gonna go into a lot of these other things about how many emissions, I'm not a scientist, I'm a mayor of a small town in eastern Nevada. So what I have to do is, I have to cipher out what both sides are saying, I listened to both of 'em. And I've come to the conclusion that everybody has good ideas on both sides, both what it really comes down to as a Mayor of a city: The people I have to listen to are the people that have no horse in the race; that's people like you. A couple of months ago the public utilities commission was here, we had a meeting something like this, they gave their report, their study. These are people, again, to me that don't have a horse in this race. And I was fascinated, they talked about all types of energy in Nevada. One of the things that stood out was they said once the three, we were talking about three power plants then, Lincoln County and two in White Pine County, that once these plants go online, that it will, it'll allow the power companies to shut down these other plants; I think up to three or gear em down, and it would actually drop the overall emissions in the state of Nevada. Now to me that's progress, that's a good thing, that's a step forward because we can't do this thing overnight. With that being said as far as the cleanliness of the plants, that, that does make em kind of clean plants, or we catch it before it burns. And, as far as the economic impact of, of the county here in White Pine County, we're not getting the electricity, the electricity is slated to go to Southern Nevada. What were going to get is the money and yes it is about money, it's all about money here in White Pine County. And the money is going to be in the form of taxes, new jobs, growth, business and so on. And something is overlooked in all of this. I know there saying where not going to be that many jobs, how about the reconstruction of our railroad line? Which the city of Ely owns our railroad line. This will link us up with the

rest of the world again as we were a long time ago. And that will allow the coal to be coming in by rail of which were going to charge the power companies. And it'll also allow ore to be taken out of White Pine County and we'll charge the mining companies, and stop some of these heavy duty diesel trucks that are going up, and everybody that lives here knows, that these ore trucks go up and down our main street constantly, right through the center of town, and that will pretty much eliminate that once the power company's done. Other than, it's, we've, we've talked about solar power and wind power but, one thing I want everybody to know, these technologies are for the future, they work now but they're still not feasible. It's gonna take more research, maybe 10 years away, 20 years away, but think about all the wind mills, wind turbines that are going to, you can spread them all over our landscape; what kind of environmental impact will that be on our wildlife? And it wouldn't, would be a fraction of what one coal fire, fired plant would be. And the last thing, I'll just finish up here, is these new technologies, the government's not gonna pay to have these things done. They'll contribute some money. These are gonna be put together and, and perfected by free enterprise, and free enterprise by I mean is places like LS Power, Sierra Pacific, and so on, because it's their job, that's, they're in the business of selling, creating and selling energy and that's where it's gonna come from, so I say turn the lights on in Vegas keep our economy going here.

Dante Pistone: Next speaker is Robert Hume and followed by Ashley Coleman and Jessica Myers.

Robert Hume: Okay, very briefly, my name is Robert Hume. I'm from White Pine County, I'm new in town, I've only been here 28 years. I originally moved to Nevada in 1969 from California, and I'm slightly going to step out of the boundaries, to a point, but it addresses what you people are supposed to address. I come from northern California originally. I watched Sacramento Valley turn grey. I spent time in LA, when the air when the air was terrible, it's better now but you still can't see the sky. I remember Las Vegas when you could walk down town and look at the stars with the lights on. I watched a large part of my home state destroyed by lack of caring about long term affects of what's going on. I now want to commend you guys on the fine job that you've done in Tahoe basin, and a fine job you've done in Las Vegas for the air quality. Okay, I have one question to address to you sir, if we don't address global warming tonight, when are we? It's a rhetorical question. I came here twenty years ago and stayed here because of the quality of the air and water. I have a grandchild, whose gonna live here. You guys have not projected what's going to happen with the air quality in Las Vegas which affects exactly what you're talking about here. Your science is bogus, it's that simple, and you know it if you look at it long term. Okay, so the issue is I don't want my grandson to be some kind of scientific meter for pollutants that have been developed here, or anywhere else, whether they're from Vegas, or whatever source. At some point we have to stop what we're doing, period. And it's that simple. The other issue, for residents in White Pine County, I'd like to remind you that the fish and game department has warned you about eating large (*Unclear*) fish out of Cummins Lake due to mercury poison, we're already impacted, probably from previous sources, but we're still impacted. And that's really all I have to say, thank you.

Dante Pistone: What I said was we're not gonna solve global warming tonight. We are very aware of the global warming issue. We're working on the several fronts. There will, at some point, probably be state regulations, federal regulations, and at that time we will deal with it.

Our regulations right now don't address global warming. We're bound by current regulations. Next person, oh, Bernie Romero.

Greg Remer: If I could ask you to address forward please.

Ashley Coleman & Jessica Meyers: Oh sure, yeah, of course thank you. We're from (*Unclear*) in Provo, Utah and we're college student there and I'm just concerned about our house and the houses that kids are gonna be raising in a couple of years, and that's about it for me. Well this coal plant, we just believe that alternate energy sources are totally, totally possible, and, as far as energy sources go, like this is, this is good, like, we all need energy and this is a quick fix but for our posterity, for our, for the people like, we need to be accountable for these decisions we make about the emissions we're letting in the air and as impressive as the data shows that they're so much lower than the standard, it is impressive but, nonetheless, there's still emissions and our health is affected and it's unacceptable so thank you.

Dante Pistone: Bernie Romero, followed by Tim Wagner.

Bernie Romero: Good evening, my name is Bernie Romero and I have been a White Pine County resident for 40 years. I support the power plants because they will provide stable economy for the county, but most of all because building of the transmission lines will provide a vehicle to transport solar and wind energy. Without these plants and the transmission lines, neither will occur. Our Utah neighbors ought to be campaigning in favor of these plants because once these plants are built; two other pollution producing plants will close, therefore, providing clear air flowing their way, thank you.

Dante Pistone: Tim Wagner followed by Polly Hough.

Tim Wagner: Thank you, I'd like to thank the Nevada Department of Environmental Protection for hosting this hearing on this very critical issue, it's very much appreciated, it's a public process and I'm glad to be here from Utah, and along with 28 my other colleagues from the state and to express our concerns and I appreciate you hearing us out. Many things that I could say have already been said, and pretty eloquently I might add, but I do have a few things along with some questions I'd like to ask. First of all, just to qualify, my name is Tim Wagner and I'm with the Utah chapter of the Sierra Club. I direct what is called the Utah Smart Energy Campaign, which is a campaign to designed to advocate for renewable energy in the state of Utah, and also educate our membership and the public on the hazards of fossil based energy. We have been working very hard on this issue in the state of Utah. I'm a member of the governor's blue ribbon advisory council on climate change. I'm also a member of the governor's renewable energy initiative, which was a committee designed to look at renewable energy opportunities in the state of Utah, I co-chaired that committee. I'm also a member of the Utah working group on mercury, for the Division of Water Quality in the state of Utah. So I'm very familiar with these issues, I've been working in air quality issues for a long time. I guess I have a few questions though first before I go any further about the project, maybe somebody can answer this, what is the height of the stack, of this, of the Ely Energy Center? The actual stack it self?

Dante Pistone: seven, I think we've answered that before

Francisco: 727

Tim Wagner: 725 feet?

Francisco: 27

Tim Wagner: 727 feet, okay, that, that's, that's pretty astounding, if you think about it. If the project really is as clean as people would like to claim that it is, that it will not have the impact beyond 8 miles, or whatever, whatever your claiming, we would not need a 725 foot tall stack for this project. We'd obviously, it's been determined a long, long ago before any of us were here on this planet that in order to build a plant it's gonna have some emissions you get the stack as high as you possible can in the air to get the emissions up over the people who live in the area, and that's very true what is happening here with this project and numerous projects just like it around the country. My question is, what's the criteria for that, is there a specific criteria in how high the stack needs to be?

Greg Remer: Would you like us to answer now or would you like to continue?

Tim Wagner: Yeah, I'd like an answer now, yeah.

Greg Remer: Okay, as with most everything we do, in fact everything that we do there are regulations and requirements that, that we follow. This is one of them. There's a regulation or a provision called the Good Engineering Practice stack height. It's a federal regulation, it in essence specifies how tall of a stack a company can build, and, but anything above that, that height would not be considered in our modeling analysis. So if they wanted to build a 1,000 foot stack, let's say, if the Good Engineering Practice stack height process the, the, the evaluation of that indicated that it can only be 725 feet, that's what we would model for our impacts.

Tim Wagner: But what's, what's the criteria for the height? That's my question.

Greg Remer: There's a formula and it's in the federal regulations and it's based and designed around the fact that, that when you emit a gas out of the stack, there's an affect that the stack provides that causes it to downwash, basically, and the influence that that provides will be greater or less depending upon the height of the stack. What happens is, this calculation says we will only give you credit in your analysis up to this maximum height. It could be less than that, in which case we would have to evaluate the local surroundings to make sure that those surroundings, such as buildings, and such, don't cause these wake affects that cause the pollutant to get deposited earlier, so that's all part of the air quality impact analysis, we factor all that in.

Tim Wagner: Okay, good, good. Thank you, I appreciate that. My response then I guess it's safe to say that to assume that in order to get the pollutants up above those could possibly be affected it's best to get the stack as high as possible, really, that's really what it comes down to right? I mean, otherwise we don't need to talk about the shadow effect and all these criteria formulas and so forth; otherwise Sierra Pacific wouldn't have to go up and put up the dollars to build the stack 727 feet tall and really that's what it comes down too. My, my, my point is this,

there have been numerous studies just in the last year, medical studies, that clearly show, that even though we have federal standards, and I've worked on these issues many years myself, we have federal standards and you have a ceiling in terms of what the pollutant, what the pollutant levels can be, but the bottom line is numerous studies completely show now that there is absolutely no safe level of pollution, plain and simple. When it comes to protecting public health, our lungs, our respiratory functions, there simply is no safe level of air pollution, that's the bottom line. So, the idea here is to get this stuff up and out and away from those who live immediately in the vicinity as soon as possible so we don't affect those who live in the area. That, therefore, means these pollutants go up into the atmosphere and will yes transfer into other areas particularly into the Wasatch Front, where we have 2.2 million people. And, yes, we have non attainment areas as one of the previous speakers pointed out. I'd like to know, has the Division, therefore, modeled what these pollutant levels from the Ely Energy Center will do to our current status under non attainment for both SO₂ and PM₁₀?

Greg Remer: As I said earlier, the, that's defined by how extensive the impact area is, the distance to which the concentration that we evaluate becomes what's consider to be insignificant. That distance is a very small distance in comparison to the distance from the plant to the Wasatch Front and the Salt Lake City area. Everything past that significant distance is considered to be less than the significant concentration and therefore it is, doesn't impact or add to the pollution in something further away.

Tim Wagner: So, is, is NDEP then willing to go on paper and say that this project will not have any neg, any negative impact on those areas within the Wasatch Front that are clearly non attainment?

Greg Remer: Based upon the analysis that we provided, which we're here seeking comment for, that is the determination that has been made. Everything outside this significant impact area, outside this, this range, is considered to not contribute or cause to an impact that is detrimental to the ambient air quality standards.

Tim Wagner: Okay, alright. A couple more questions, I'll try to finish up. Have you modeled for PM_{2.5}?

Audience: Three minutes up.

Tim Wagner: No

Dante Pistone: He's asking questions so well let him.

Tim Wagner: These are very technical questions.

Greg Remer: No, we have not modeled for PM_{2.5}. The PM_{2.5} standard is, is relatively recent., There, states are in the process of preparing plans. The state of Nevada made a declaration with exception of, well actually the whole state I believe, made the declaration of attainment for PM_{2.5} in the area that the state of Nevada controls. We do have two local agencies; Washoe County in the north and Clark County in the South, that have their own air quality management

programs. I can't remember exactly what their declaration was, but for the rest of the state, the state of Nevada is in attainment for PM2.5. What EPA allows us to do is manage our PM two and a half issues using our PM10 implementation process. So everything you see in our, in our, in our process here is, is related back to PM10 because those are the standards that we have on the books to compare to at the moment. There will be implementation plans that will be prepared for PM2.5, and you know any other standard that, that comes out. If there's a CO2 standard for instance sometime in the future, we would have to respond to that at some future date. So no, PM2.5 specifically wasn't modeled, PM10 was modeled in its place because the controls for PM10, the fact it's a much larger diameter pollutant and much more mass, modeling that's done for that would indicate that the PM2.5 standard is also protected.

Tim Wagner: Thank you. Well, let me just, I'll quickly wrap up here real quick. I guess I wanted to respond to a couple of comments that were made, particularly to the individual who made the statement that considering the fact that Utah gets 90 percent of our electricity from coal. That is very true, is very true. I don't think it's a particular fact that Utah is really proud of, and in fact were seeing quite a dramatic change in that currently. There are a lot of policies in place or proposed policies in place that we could see some dramatic changes in that over the course of the next few years. I would make note that Pacific Corp, our largest regulated utility, just dropped plans to build five new proposed coal fired power plants within its regulated network throughout Utah and Wyoming and they're citing numerous reasons as mostly attributed to carbon and risk and so forth and the cost of construction as well. And they are, therefore, going to put more dollars into renewable energy resources in the state of Utah. I applaud them for that. The bottom line I think is, is we in Utah working very hard to address our air quality issues, and as you know, Mr. Remer, we have some serious air quality issues along the Wasatch Front. These are big deals, and people are very concerned about it and as one who lives there and is constantly engaged in top two positions and I see the problems we are encountering, we are very concerned about three proposed projects that are going to send a lot of pollutants our way. Yes, they're cleaner than they used to be, but they're not clean enough. As the mayor so eloquently stated, there is no such thing as clean coal. We are actively cleaning up our air, we're trying very hard, not only for ourselves and our health, but also for our neighbors in Colorado. And we would only hope that, that the state of Nevada and the Nevada Department of Environmental Protection would also take the same recognition and respect our health as well and work to protect our health downwind. Thank you very much.

Dante Pistone: I have 20 cards left; at three minutes per, it's gonna be another hour. So, let's try and stick to as best we can, I understand people have... I'm sorry Polly Hough followed by, Cecily Light.

Polly Hough: Hello, good evening and thank you for this opportunity to be heard, and thank all of you good citizens for coming out I think this is a fantastic showing of civic concern over the problems we have before us with the problem of clean air and clean water. I am representing the Utah Clean Air Alliance tonight, and yes it is Utah but we are a region and we care about your problems as we hope you can care about ours. We are a non attainment area in several parts of Utah, and yes we have a lot of work to do there, but, we do consider it very serious that there will be these three plants be built perhaps, in Nevada, and we are very sensitive to the fact that you need the jobs, you need some of the opportunities that can come, we understand that, but, we do

not necessarily think that you cannot have economic development without the problems of pollution, and we can see a lot of hard work has gone in to trying to make this just as clean as possible. But I think you can, you don't even have to read between the lines, you can see that there are going to be problems here. Not only is the population going to continue to increase, not necessarily just from immigration, but the immigration from California and from other areas of all kinds of people. And we are grateful to the Goshutes for coming out in such numbers. We know that very often various kinds of hazardous kinds of plants are targeted towards Indian reservations, because it makes it harder to fight, and we certainly do not want to be into a fight with anybody in Nevada. But we want you to know that it's crucial to us that you try to keep this proposed plant as clean as possible, if it has to go in and really consider seriously the possibility of renewables. You can have your transmission lines, and some of the other kinds of economic development without having these unintended consequences that are bound to come. Thank you very much.

Dante Pistone: Cecily Light followed by Larry Duckworth. At the outset I asked if we could keep the repetitive comments to a minimum. More than half the cards are still from people from Utah. If somebody from Utah has already said what you're going to say, could we please pass it to the next person, I appreciate that. Same, same with the Ely folks, if it's already been said, let's pass to the next person.

Greg Remer: We'll also ask that if there are any side bar conversations going on that they occur outside in the lobby, and not within here. The microphones are actually very sensitive and they can pick a lot of that up and it muddies the record. It makes it very difficult for us to transcribe the record when we have a lot of background conversation going on as well.

Audience: Can we close those doors to the lobby then?

Greg Remer: I don't want; I don't necessarily want to do that because I don't want the temperature to raise.

Cecily Light: Thank you, I do live in Salt Lake City and I moved there in 1990. Before that I lived in seven other states, and I can honestly say that the pollution in Salt Lake and in Utah is the worst I've ever experienced. And so while there is the possibility of keeping air clean in Nevada, currently, I come to Great Basin National Park to sample the beauty and the clean air, and also the really mountain scenic area. So next time I come to Nevada for clean air, don't make me drive all the way to Denio, thank you very much.

Dante Pistone: Next is Larry Duckworth followed by Marsha McClean.

Larry Duckworth: Thank you, I am not a science man, I'm not a technician, I'm here to tell you gentlemen, that you have an opportunity, one of the greatest opportunities you've had that I had through my grandfather back in the '50s and '60s, being from Salt Lake. And I noticed a lot of them have left that were here, that I would like to address to em, the one that made the most important statement to me was the mayor, because he comes from what I'm worried about, is I am a grandfather, I am a great grandfather, I have lots of grandkids and lots of people that I'm worried about, what's going to happen to them, and where they're going to breath and what

they're going to be able to drink, and how they're going to live. And you guys have the opportunity that we didn't have, when my grandfather was running, doing the same thing your trying to do, doing refineries down the Wasatch Front, building em them right out of town. But they weren't out of town, now they're in the middle of the town, they're causing these problems, they didn't have the knowledge of the things that you have. The information is available to you, that you can take and make a great stand and say we're not going to take and worry about what our kids can do, were not going to worry about the money that needs to be made by this person and that person, we are worried about what my kids, grandkids and great grandkids are going to be able to do, you had a great opportunity ahead of you, good luck gentlemen.

Dante Pistone: Marcia McClean followed by Kevin Cummins.

Marcia McClean: I'm from Utah too and I just have a couple of comments I'd like to make. I'd like to express my opinions as the mayor expressed his. I know you folks have to deal with the laws as they stand. Where do those laws come from, it was from people like us, who started, who started making the complaints, who started making the studies. And they, they only tighten, year after year those, those standards tighten, and we have an opportunity to do something in the future, why do we have to base our laws on things that are past? There all past regulations, let's move to the future, let's build some of those things here in, Utah, in Nevada, why can't we build some of those things they build in Germany? Make it viable here, economically for that. I just think that the mercury itself is part of my biggest concern. Salt Lake; Great Salt Lake has the highest mercury reading of every state, of every lake in the country. And there's good reason for that, lots of things end there. But still, a lot of that mercury comes our coal plants and they, it will go from here to there. Mercury isn't even controlled now, but it will be. Because of people like us, thank you.

Dante Pistone: Kevin Cummins followed by Brent Eldridge.

Kevin Cummins: Thanks very much for the opportunity to speak. My name is Kevin Cummins. I'm from Utah, and I'm a chemist for 38 years. And I would just like to request that the people with Nevada demand the best technology available if it has to be coal electricity generated by power, you should ask for the best technology. And that's certainly is not pulverized coal technology, it's coal gasifications. And if you do get coal gasification, if you demand it, it will create the jobs that a pulverized coal plant will create, but it will result in a significant reduction in many, if not all of the pollutants we've discussed here today. Major reductions in that area, and probably, as significant if not more significant, coal gasification offers the opportunity to sequester and trap the carbon dioxide. And while we're speaking of the future, and probably a future that's less than a year away, there will be regulations on carbon dioxide. And what that translates in, in addition to the fact that we have to do it to address the issue of global warming, of what it translates in, in the pocket book is clearly, pulverized coal plants cannot be retrofitted to remove carbon dioxide. So the rate payers, whoever buys this power, who uses this power, is obviously gonna be forced to pay those costs, so, I argue you to why gamble with your health, and why gamble with your money, it's as simple as that.

Dante Pistone: Brent Eldridge followed by Dan Syroid.

Brent Eldridge: Thank you, I'm Brent Eldridge the chairman of the White Pine County Board of Commissioners. Our board has gone on record strongly supporting this plant. We commend you on the work that's been done and presented here tonight, we would hope that all of the protections you say you can enforce, can be enforced, we want a clean plant, but we want a plant. Nevada needs the power. I had a chance to visit with the PUC folks a few months ago before their hearing. They indicated that Nevada is in trouble power wise if this plant can't go forward. The opportunity to import power on a long term basis is, doesn't exist today, as it did a few years back, and, and we support that building of that plant for the state of Nevada. Also, we support it for our economic development, jobs and tax base. And while you're considering this, it's been mentioned earlier tonight but I would like to reiterate that the impact of Kennecott on it's surroundings was 80 years of uncontrolled, or nearly 80 years of uncontrolled pollution with just a few years on the tail end with no control. And if we had an area worthy of designation as a National Park, it would appear to me that Kennecott would have done away with that if this kind of pollution does so. Now, we do want a clean plant, we also have gone on record unanimously supporting the development of renewable as it becomes feasible and, and practical and affordable to be integrated with the, the development of these plants. We support the development of renewable energy and we hope that we can get some of that on as well. We know the requirement by the state that a certain percentage of the portfolio contain renewables and we would like to help these companies and anyone else develop those opportunities. But, but we need a twenty-four-seven, three sixty five plant that is there when we turn on the lights when these folks get home tonight regardless which side of the issue they're on, they turn them on, they can expect a coal plant to turn em on. They can't rely, rely totally on renewables today and there has to be a reasonable transition, thank you.

Dante Pistone: Dan Syroid followed by James Westwater.

Dan Syroid: Yes, thanks for the opportunity to express my opinion and I'm, I'm from Park City Utah and I have a serious lung ailment. So that's part of the reason why I'm here, but I'm also a trained engineer so I know what's possible and the situation you have here is Las Vegas is gonna to get the power and the White Pine County and State of Utah is going to get the pollution and I think you are probably are aware of that and you say well maybe that's probably not such a bad deal. But the point is that, that coal power is not only bad for our air it's, it's a poor financial investment, and so some other people have indicated in the short term it may seem like a good deal, but in the long term the people of White Pine County are going to be paying more because those costs are gonna be passed on when there's carbon taxes and that sort of thing which are, which are inevitable. And what you shou, and your mayor made a good point, a couple of good points, one that you need economic development and I understand that and I think all of us from Utah understand that and he said another thing and that's there is no such thing is clean coal. And, he's absolutely right about that, and what you should be building instead, what you should be demanding instead is concentrated solar power like the Nevada Solar One plant that was built in 16 months, at 64 megawatts south of Las Vegas, and it has zero emissions so there's no pollution at all. And it would also create a lot of job opportunities in this area, probably more than the coal plant would. And so you have a beautiful valley here with clean air and I strongly urge you to keep it that way and don't let the coal power dump their toxic waste here. There is no such thing as clean coal.

Dante Pistone: James Westwater followed by Travis Harvey.

James Westwater: Thank you very much I appreciate the opportunity speaking with you this evening. I'm gonna, I'm from Utah also, so I will breathe what you all produce here and I breathe what our coal burning power plants do too, and I'm not pleased with either. And I'd like to raise maybe a new point here. I'm a professional photographer and I represent the kind of person that contributes to the major source of the economy in the state of Nevada, in the state of Utah, it's the tourist industry. You rely heavily on that economically and so do we in Utah. If you go ahead and, and rely on coal for your principal source of electric power it will have adverse effects on the air quality and the water quality and I think it will lead to a lowering of your potential for economic development based on the beautiful natural scenery that you have here, the beautiful nature that, that your county is blessed with, and your state is blessed with, and I might mention that Utah and the mountain west is blessed with. But the worse our air becomes, not only will it adversely effect our health but the people who come here and bring their dollars to Nevada and to Utah, the tourists and the visitors, will be less and less inclined in coming years, as our air quality diminishes, gradually diminishes, we're going to be less and less inclined to come here and be inspired by what used to be the great beauty but is now becoming more and more obscured by this veil of dirty, ugly air pollution. And haze is just gonna settle here you'll no longer be able to see some of those great, inspiring, uplifting vistas. And I think, it would, instead of shooting yourself in the foot, by allowing your air quality to go down hill, I suggest for economic development, which is very important for everyone, without a way of sustaining life, we're gonna have trouble, I suggest you turn to this great natural beauty of your area. You have the only national park in Nevada, is within your county. And, and I would suggest that you try to capitalize on the great natural beauty that you have here as a source economic development instead of wasting that through the development of, of air pollution which will affect the source, of our, the very source of our well being. We have to have a health planet to exist and if we befoul our, what our native american friends call 'mother earth' we're going to suffer and every other living thing will suffer too, ourselves, our children our future. It's just not work it, thank you.

Dante Pistone: Travis Harvey followed by Ken Heinbaugh.

Travis Harvey: Thank you. Hi, I'm Travis Harvey representing Utah Moms for Clean Air. We're a clean air advocacy organization, a health advocacy organization, and I have some written comments to submit, and we will also be submitting official written comments from our organization, by the January, oh, by the January 23rd deadline, thanks. I want to start actually with a question on a clarification of the scope of this permit. I've heard mentioned a couple of, a couple of times the idea that this the Ely Energy Center would allow the closure of two other power plants, and I've also heard this, comments about the Ely Energy Center, funding transmission lines to Las Vegas, and I'm wondering are those part of this permit? Or are they in any other way.

Greg Remer: No they aren't, our process considers only the impacts, because we're the Bureau of Air Pollution Control, only the impacts that, that a company, that's proposing an air pollution source, will have on the, on the air quality. The ability that this plant would have, if it were built, to bring with it transmission lines, other developments, is beyond the scope of what we have to

review. It is true, I believe from the PUC records and what not, you'd have to go check those from the public utilities commission of Nevada, that there is discussion on file in the record, that the coal plant is the anchor for a broader development of, of more, of other resources. And then of course, the transmission line that it, that it brings with it, allows it to connect to other power sources and bring in power or send power out if it's necessary. Can you pause for just one second?

Travis Harvey: Sure

Greg Remer: Now go ahead, sorry.

Travis Harvey: Okay, the pollution that will be emitted from this proposed power plant, the Ely Energy Center, will include among many other dangerous pollutants, particulate matter smaller than 2.5 microns, I think is the correct, and it will also include mercury, and as I mentioned those are only two of many pollutants that will be,

Audience: Can't hear

Travis Harvey: Sorry, and after those pollutants are emitted from the plant, because the wind doesn't understand about political boundaries, the, the pollution will travel to other parts of Nevada, it will travel to other states like Utah and will be breathed in by all of the people that those prevailing winds touch. The health effects of those pollutants are well understood and will serve to shorten the life of the people who breathe them and especially the young children who, that those, the PM2.5 reaches especially far into their lung pathways, because they're smaller and they breathe faster. And I would like to appeal to you and insist that before you grant this permit, that you do a thorough study of the impacts of this coal plant on PM2.5, that you expand your, the study that you talked about, and the modeling that you've done, to specifically look at PM2.5 as well as the PM10. And I would also like to insist that you look at the air quality and human health impacts to Utah, and to Utahans and the state of Utah as well as to your own citizenry. We are, it's a, air quality is regional problem, and we are neighbors, and we want to be good neighbors, and we want to have a, you know, we want to look out for each other, I guess. And so, I'm appealing to you to protect the health of future generations and to look out for the health of all Utahans and Nevadans, especially our kids. Can he just say one thing? um, um, Thank you.

Dante Pistone: Ken Heinbaugh followed by Ivan White.

Ken Heinbaugh: Good evening, I'm Ken Heinbaugh. I'm a life long resident of this county, former member of the White Pine County commission, and I live in the Duck Creek Basin. I live five miles from the preferred site for this Nevada Power, Sierra Pacific Power coal fired power plant. And I'd like to say a couple words as support for your department and you people and the work that you've done. And I can give you an example of something that happened here in Ely that, that indicates the power and the dedication you have to the job that you do. I lived here in the '70's and '80's when the Department of Environmental Protection determined that Kennecott Copper was exceeding the pollution levels that were mandated at that time. Kennecott tried everything they could to comply with those requirements and they actually built a stack, I think it

was about 300 feet high, cost them about 100 million dollars, which in the '70's was a lot of money. And yet the requirements got tighter and tighter as time went on, and Kennecott just could not meet those requirements and, and it resulted in finally, they shut down the smelter in McGill, and closed the mine in Ruth. And our community lost 2,000 jobs when that happened, and that's when Ely, which used to be a power house in the state of Nevada, became kind of destitute. And yet, I support what you did because we know that the level of pollution that was coming out of that smelter in McGill was not good. I mean there were days in McGill when you couldn't even see across the street and we really had a problem and, and I think a lot of it was solved by your department. And I think maybe that might answer a question I heard here about how serious you really are, and how much power do you have and that was, and that was a good indication. I really don't believe that you would issue a permit for this project unless it was determined that it was clean and healthy. I will say that Nevada is the fastest growing state in the union, Nevada needs the power and so does our country. And right now there is no other feasible alternative. The county needs the power and, and the country needs the power and White Pine County needs the economic boost that this will provide, thank you very much.

Dante Pistone: Ivan White followed by Irwin Firmage, Edwin.

Ivan White: Thank you, I'm a retired Environmental Consultant, and as I said before I live in Price, Utah. In 1977 I started doing risk analyses for environmental transport of pollutants and I've done it ever since. I've done everything from nuclear power plants to, to dry cleaners. And if you want to make your choice you better take the nuclear power plant 'cause the dry cleaner, if you gotta a pregnant wife or friend you do not want them working around a dry cleaners, at least that's what I tell the students when I show them how to do a risk analysis. But what, what I want to talk about is I realize that, that we're doing this under the state rules, but ultimately you're gonna have to do it under NEPA, the National Environmental Policy. The National Environmental Policy Act is very simple, says you identify the impacts and you mitigate the impacts. And so, that's what you're gonna have to do and then so you have a problem with CO₂, because it's an impact and you have to see about mitigating it. So that's very simple it's the same way with the mercury, you can't argue that you're doing the mercury standard when you can do a pathways analysis and show that there's a significant risk. And it's a cumulative impact that you have to do, and mercury, mercury accumulates, there's no, there's absolutely no doubt it. We're talking about alternative energy sources, you're going to have to look NEPA requires, and what are the alternatives to this project, so you're going to have to do an honest look at all those alternative energy sources. Some of those will be easy, obviously fusion is not something that is practical at this time, but it's wind and it's solar, and an interesting thing about that is that Scientific American in the January issue has this big issue on solar power and how it could really benefit, you know, the whole world for that matter. There's this nice map in there that shows that Nevada is one of the prime places for, for solar power. Same way with wind, my son used to live in Carson City, and you had to tie down everything in Carson City to keep it from blowing away because your along, you get those winds coming down off of the Sierra Nevada. But anyway and because NEPA was written to allow the public to participate in that project it puts it on a, on a national basis, which means it does not go to a state court to determine whether you have actually done, you know, an honest job. And I've been lookin' at these things, as I said, since 1970 when Nixon, Richard Nixon signed the NEPA act. And one of the first things I looked for is the stuff people are hiding in there because, they nearly, sometimes it's they hide

stuff because, because they don't realize it's important. Other times they actually try to hide stuff that is, that is important, so when I've done a lot of that. So what I'm saying is that you can go through the state part, and you can be bound by your regulations, but ultimately you'll have to answer to the, to the NEPA requirements. Thank you.

Dante Pistone: Thank you, by the way there's been a lot of talk about alternate energy sources. NDEP, at NDEP we multi task, we also support alternative energy, we permitted several alternative energy plants. The one before us tonight, is the one we're concerned about, so. Edwin Firmage followed by Rick Spilsbury.

Edwin Firmage: Thank you very much. I wish the mayor were here because I, I wanted to say something to him. He spoke about not having a stake. Obviously only from one point of view, in the analysis of this. My stake in this comes in the form of Victoria and Christopher and Eddie and Carol my wife and kids. We in Utah are not noted for being liberal or progressive and just about any spear of life, certainly not in environmental issues. And yet, we in Utah have seen an interesting phenomenon this year, with the formation of Utah Physicians for Clean Air, who awoke to the realization that this isn't an academic discussion about statistics. They estimate that perhaps 2,000 people a year along the Wasatch Front die prematurely as a result of our bad air. And that is bad air that will be made worse by what happens here if this plant is built. We are legitimate stakeholders not interlopers in this discussion. I wanted to say something since the mayor isn't here to Blain, your councilman, and give him a little present. It includes that Scientific American article that was mentioned earlier, as well as some printouts from a website from a company called NanoSolar. I've heard it repeated many times tonight that alternative energy is not viable today, and I'm here today to tell you, that is not true. One of the things I gave you is a press release for the company at NanoSolar, which just received 100 million dollars in investment to go into production with the new generation of solar power cells that are dramatically less expensive than current technology. They are able to produce at one dollar a watt. Now let's do the math on this power plant that's proposed for Ely Energy Center. It's a 1,500 mega watt total, with a total cost of 3.8 billion dollars, that works out to two and a half dollars a watt. Now, it seems to me that the decision here is a good deal more complicated than perhaps has been assumed. If it is possible, as it now is, to produce energy through solar, competitively with coal, without the side affects, I think this plant is premature. And I would like to see the citizens of this area and the state of Nevada considering seriously the viability of alternative options, which are here today. This isn't 10 years, 20 years, 50 years down the road, this is here today. Forward thinking countries like Germany and forward thinking areas like Silicon Valley are moving in this direction. The people of Ely and the people of Utah, who are in exactly the same boat, we face world economic development issues exactly like you do, can stay with the technology of the past or we can be part of the future. Germany has made that commitment, Germany is now the biggest consumer of solar power in the world. They'll be part of the future; the question is whether Ely will be. Whether Ely will remain in the past without (*Unclear*) sources of power, and the consequences for health and well being that go with it, thank you.

Dante Pistone: Rick Spilsbury, followed by Delaine Spilsbury.

Rick Spilsbury: Thank you. My name is Rick Spilsbury and I'm from about less than five miles here. I'm Rick Spilsbury, and I live less than five miles from the proposed coal fired power plant so as far as I see, this may end up being a matter of life and death for myself and my family. I would like to start out by pointing out new data that carbon dioxide is a pollutant. Professor Mark Jacobsen from Stanford University has recently linked increased respiratory illness, asthma and mortality to higher levels of carbon dioxide in the atmosphere. As many as 1,000 people a year in the United States are dying from carbon dioxide pollution, and many more are sick. We can add a portion of those deaths to the EPA data that states that 24,000 Americans die prematurely from the effects of coal fired air pollution; it doesn't have to be this way. Sweden has reduced carbon dioxide emissions by 12.7 percent, even though the Kyoto Protocol allowed them a 4 percent increase. During this period of time, Sweden has shown strong economic growth. The United States, on the other hand, has been whining that it can't be done. What has happened to us? America used to lead the world, now we can't seem to support the clean technologies that Americans invented. Have our politicians become that corrupt? Scientists from all over the world are telling us that carbon dioxide levels are at the highest level they've been in 650,000 years. And they're rising at a phenomenal rate, recent data show that the ability of forests to soak up man made carbon dioxide is weakening. In fact, in many ways natural carbon sequestration is failing. Vast amounts of carbon dioxide are being added to our man made pollutants by melting permafrost, invasive species destruction, drugs, and mega fires. The oceans have soaked up a lot of our carbon dioxide, but in the process have formed carbonic acid; this acid, which just keeps getting stronger with more carbon dioxide in the atmosphere, is eating away at the calcium, in sea shells, crab shells, and coral. The world's coral reefs are dying, and some scientists estimate that by 2050 as much as half of all sea life will be died, will be dead. The Supreme Court has ordered the United States Environmental Protection Agency to regulate carbon dioxide emissions, however, the EPA has still published no regulations, none. Worse, they have denied the states rights to set their own standards. Who does this protect? Surely not the people, surely not the environment. The irony of this, all this is how something of such great importance can be reduced to a non issue. We're supposed to ignore data that show, the arctic sea will likely be melted during the summer by 2012? Because EPA won't publish regulations? It is quite possible that we are witnessing the beginning of the collapse of the resources absolutely necessary to support our civilization. Yet the U.S. government officials are ignoring one of the biggest threats to our future survival. What kind of impotent bureaucracy have we allowed to take over? I've decided to talk tonight about the Nevada Department of Environmental Protection hearing and review process. I could have talked about the tons, and tons, and tons of toxic and extremely toxic chemicals this coal fired power plant will be emitting. But I'm sure you've already studied the 70 different pollutants that will poison our home land. I could of talked about the carbon, how carbon sequestration won't work in limestone, but you probably already know that. I could have talked about global warming, and some of the tipping points, which we've already reached, but again you probably already know how humanity is poised to graduate from causing the extinctions of species to causing the extinction of whole ecosystems. No, I wanted to talk tonight about this contrived legal world of bureaucratic rules and regulations, which apparently seem to be designed more to protect the polluters than the public and our environment. It amazes me that here in America, we would even be considering these polluting monstrosities when the technology exists to generate power in such a way that there wouldn't even be a need for an air quality hearing. Is the industry that short sided? Are they really that greedy and corrupt? Have we all just become clerks? Stamping our paperwork and

passing it on? Or are we learning as we go? If so, will we learn in time to fix things before they self destruct? Right now, you probably feel a lot of pressure from very important people; just remember you have powerful potential friends on both sides of the fence. You have more freedom than you think. But you've always have the freedom to determine your future with integrity. You have a unique opportunity to make a significant difference in the future of Nevada, humanity, and life on earth. You know what needs to be done; you need redirect our efforts towards a more healthy and safe power generation industry. No one will go without power. The power companies will still make money. And you will be able to say you made a difference. Thank you.

Dante Pistone: Delaine Spilsbury followed by Michael Mielke.

Delaine Spilsbury: Is it okay? Check. No, I was going to talk about is Economics. I'm Delaine Spilsbury. I'm the Director of the Bristlecone Alliance and our mission is to preserve and protect the quality of life in the central Great Basin. We've talked a little bit about the mission statement, your mission statement is to preserve and enhance environment in the state in order to protect public health, sustain healthy ecosystems, and contribute to a vibrant community. And that is my topic, contributing to a vital, vibrant community. Many in White Pine County are contributing to a vibrant community. In October 2006, following eight years of continuous efforts, Congress approved White Pine County Nevada and Miller County Utah as the Great Basin Heritage Area. Great Basin Heritage Area is a part of the National Park system and is working in tandem with the Great Basin National Park. With the National Heritage area designation, and much more effort, we will have the capability to promote and improve our popular clean air and natural habitat experience, like James from Price mentioned. Clean air has an enthusiastic following here in White Pine County. Outdoor enthusiasts enjoy experiences such as hunting, fishing, hiking, biking, photography, cross country skiing, ice sculpture and ice fishing and those are a few. The potential is immense. They spend freely in our markets, sporting goods, clothing, gasoline and convenience stores. They utilize our RV parks, campgrounds, motels; you can't get a room in Ely many, many nights and months out of the year. They utilize our RV parks, campgrounds, motels restaurants and the like. They experience the historical train ride, and attend our special events; they visit the museum, Great Basin National Park, and many other outdoor attractions. We envision not only improving the infrastructure, but attracting a much wider range of perspective clients for this unusual, rare and enjoyable clean air experience that can't be replaced. However, if NDEP chooses to ignore the mission statement, contribute to a vibrant community and permits coal fired power plants, it will end our clean air experience. There will be no new clientele, and our current visitors will go elsewhere, and thank you.

Dante Pistone: Michael Mielke followed by Terry Marasco.

Michael Milke: My name is Michael Milke and I'm from Salt Lake City, Utah, and representing post carbon Salt Lake and the Utah physicians for healthy environment. These groups are composed of a consortium of over a thousand people and we want to say thank you for the opportunity to travel all afternoon and come to this wonderful hearing and add our comments to the record. Many of the things that we would be suggesting and sayings have been said before but non duplicatively, we would add that we're concerned for the health and air

quality of Nevada and Utah. We're grateful to be here, and we believe it's important because we're down wind of the Ely power plant. We want to speak also on behalf of the children who will bear the impact of the air effects over the 30 years that is the life span of this power plant. So, in line with your function, the permitting, to speak to the standards and regulations, the EEC is upwind, that is we in Salt Lake are down wind, within 300 kilometers, a very serious key important non attainment areas that are close to this power plant. Yet, Sierra Pacific did not assess or analyze whether or not the project would add to these non attainment areas. A complete and effective permitting process would have, and could yet, do that assessment and analysis to see how these non attainment areas would be affected. And just looking at one particular area, in things that have not been said before, let's just take mercury. Mercury, the data says, is the second most deadly natural substance that occurs that humans touch, second only to plutonium. This power plant, by your own data, the Bureau's data, has said that there will be 9,000 pounds of mercury emitted over the 30 year life span of the plant. What we haven't heard, but the data says, the data shows, that one seventieth of one teaspoon of mercury completely contaminates all the aquatic life in a 25 acre lake. When you get to the specifics in Utah, we're already a hot spot for mercury deposition, largely due to the extremely high mercury emissions from Nevada's gold mining initiatives, and industries. So over the last couple of years, numerous lakes and rivers in the state have been designated non attainment, with consumption advisories because of high mercury levels. Therefore, an assessment that looked at these non attainment areas could and would take an analysis of the impacts to these non attainment areas: water, fisheries and wildlife. Now to paint this story from a child's point of view, we've heard some of the effects of the air quality that we have in Nevada and Utah, the deaths that occur because of, of air. Let me just link one thing for you that has to do with mercury and speak for thousands of our children, literally thousands of our children in Utah. One in 79 boys in our state are afflicted with autism, one in 79. Thousands of our children are afflicted with autism. The more that we study mercury, the more we see the very high connection and correlation between mercury and autism. What we need is less mercury, not more mercury. So on behalf of the children of our state and your state, please consider all of the non attainment effects and particularly the poisonous neurotoxin of mercury, thank you.

Dante Pistone: Terry Marasco followed by Clare Gilmore.

Terry Marasco: Thank you, I'm Terry Marasco from Baker Nevada. I'm a business man there and a property owner, a business man there and a property owner. A lot of discussion tonight was around health issues and I'd like to tie it in to a proposal I'd like to give to the NDEP regarding health risks in these emissions. The missing piece to all my colleagues and friends that are supporting this power plant is in fact how many people will die per each pollutant released; how many children will get phenomena, asthma, cough, general lung diseases, cancer expectations; how much will it cost the public and the county, for hospitalization, symptoms, lung functions, cancers etcetera. What I'm simply proposing tonight in this document, which I'll also submit online at your site, is that the NDEP require a study of all the lists I just stated here on the effects of emitting the pollutants that are coming out of the plant. Some of my colleagues are tickled with the fact that it's only 20 percent of the national standard, or eight percent of whatever. But the fact is the citizenry of White Pine County, and my colleagues, and myself, do, does not know what the health effects will be in releasing these pollutants. So I'm submitting that tonight. And just one little foot note on mercury, I have, I'm sure some of you have heard

this, Wyoming on December 10th 2007 was the last state in the lower 48 to issue mercury warnings on fish. So now every state in the lower 48 is poisoned to some degree by mercury.

Dante Pistone: Claire Gilmore, followed by Joel Ban

Claire Gilmore: I'm Claire Gilmore and I'm, excuse me, a native Floridian, who a year and a half ago with my husband, dragged our teenagers across the country to live the good life in the mountains of the great west, a place we vacationed in many times. We chose Salt Lake for, because of a wonderful job my husband found. And within three months we were, I was mostly sick, a very healthy woman. My kids were missing school, and a wonderful physician wrote a letter to the Salt Lake Trib, and filled the column with data about health and the effects that the pollution was having on children. Oh, I noticed a haze, I didn't notice anything seriously. Within two months my heart was absolutely broken that I had moved my kids into this pollution. And all I want to say is moving my children from the fresh air of Florida, with all the other problems that we have in Florida, fresh air is fairly prevalent, to the pollution of Utah, has not only broken my heart, but I'm concerned for all the kids in Utah and now Nevada. And I have nothing to say, but I hope you get all the data you need to make decisions that you need to make to make sure these plants, not just this one, but the other two, will not make your kids and your elderly sick.

Dante Pistone: Joel Ban followed by Bob Miller,

Joel Ban: I've already talked to the public so I'll...

Dante Pistone: Okay, thank you Joel, I appreciate it. Bob Miller, followed by Raleene Makley.

Bob Miller: Hi there, my name is Bob Miller and I've lived here in Ely Nevada for too long. 62 years really, going on 63. All the pollution that everybody's talking about and all the negatives about the pollution, I think we need to remember one thing and that's that the construction of this plant will allow for the toning down or the shutting down of some plants that are in the center of Nevada right now, and it will actually result in a hell of a lot of cleaner air for all of us, and I think that is pretty important. Another thing, first of all I'd like to congratulate you on your study, and I think your doing a good job, and I know you have to work within the law, and I'm sure you will make a decision within the law. The Nevada State Division of Environmental Protection, and now we have the federal division of environmental protection, and what about the Chinese division of environmental protection and the India, the country of India environmental protection agency? I don't see China or India as being regulated by the United States. But that is very much so, but does that mean we should not compete and should not be able to compete in White Pine County? I think if in a practical sense, or an impractical sense, if we can stop everything right now and fix it all, that would be well, but we can't do that, but I think its important that the city of Ely and White Pine County be allowed to compete under current and existing law and with the future of, we're just betting on the future, that the power companies are going to install the best measures at the most economical basis as they can in the future. I think that's the bottom line. I'd like to also address the fact that California does not allow coal, electricity produced by coal, and they had 13 people die in a brown out in Southern California last summer. That's documented fact not speculation. So how much were those 13 lives worth? Thank you.

Dante Pistone: Raleene Makley followed by Michael Dalton.

Audience: Raleene had to leave, she'll submit her comment in writing...

Dante Pistone: Okay, thank you, Michael Dalton, our last speaker.

Michael Dalton: Thank you. Good afternoon, I am Michael Dalton with the Ely Shoshone Tribe.

Dante Pistone: Please address us.

Michael Dalton: Oh, I am sorry, with the Ely Shoshone Tribe. I'm representing them, and the Ely Shoshone Tribe is agreeing with the permitting of the, I got all nervous now. The Ely Shoshone Tribe supports the power plant's air permit, based on, it is a clean facility, as you can follow the chart, and I'm kind of disappointed that nobody really pointed to that chart. And I'm also agreeing with it because of the agreement for public facilities have to do 20 percent renewable energy. And the work that they'd done for the Nellis Air Force Base, I think that was Sierra, no

Greg Remer: No, it's a completely separate entity.

Michael Dalton: Is it? Well hopefully that blueprint can be used for further plans. But it's just like everybody says, economics, health, basically NDEP would have to look at this and make the decision. But the Ely Shoshone Tribe supports it and sees that this is progress towards the future. Thank you.

Dante Pistone: Thank you all for coming. Some of the comments got far afield, but we felt it was important to allow everybody to speak and we will take all these back now and go through our final evaluation. And, you know, not sure what time frame we're talking about; could be a few months before anything is decided. We will respond to all of your questions formally and that will take some time. So, anyway, thank you for coming. We appreciate your interest. Thank you .

End